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WERE RELEVANT DOCUMENTS WITHHELD FROM THE CONGRESSIONAL COMMITTEES INVESTIGATING THE IRAN-CONTRA AFFAIR?

A REPORT

OF

THE SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

JUNE 1989

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INTRODUCTION

INITIATION

By letter of April 25, 1989, the Majority Leader, Senator Mitchell, and Senators Inouye and Rudman, the former Chairman and Vice Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition (the "Iran-Contra Committee" created pursuant to S. Res. 23 (100th Congress)), asked the Select Committee on Intelligence (SSCI), as heir to and custodian of the Iran-Contra Committee files, to ascertain whether certain documents which had been released to the public in the course of the criminal trial of Oliver North had been provided in 1987 to the Iran-Contra Committee during the course of its investigation and, if not, to determine why such a failure had occurred. The letter cited six National Security Council (NSC) documents, four of which appeared never to have been made available to the Iran-Contra Committees and two which appeared to have been furnished in an incomplete or materially-different form. (See Appendix A.)

The Chairman and Vice Chairman responded by letter of April 26, 1989, expressing their intention to begin a review of the matter immediately. (See Appendix B.)

CONDUCT OF THE SSCI REVIEW

The SSCI first confirmed that none of the versions of the six documents released during the North trial could be found in the Senate Iran-Contra Committee's files, or located by its House counterpart. As part of this initial inquiry, the SSCI assessed the degree of confidence one should have in the records of the Iran-Contra Committees themselves. With respect to the Senate Iran-Contra Committee, while certain shortcomings were evident, we concluded that its records provided a high degree of reliability. The accounting system for the House Iran-Contra Committee documents was not as comprehensive as that used by the Senate Committee.

The SSCI also examined at the outset whether the documents, in fact, involved matters which were within the terms of the document requests made to the White House, including the NSC. Our tentative conclusion was that they appeared to be encompassed by such requests.

Having reached these tentative conclusions, the SSCI began by meeting with the former Chief Counsels of each congressional investigating committee, Arthur Liman for the Senate and John Nields for the House, to ascertain how the document production process had worked from their perspectives and what, if anything, they could recall about the documents themselves. Other former Committee staff members were also interviewed.

The SSCI then reviewed all of the Iran-Contra Committees' correspondence with the White House and Independent Counsel to identify correspondence relating to the document production process.

The SSCI then turned to interviews of the key individuals who had been involved in the document production process as it related to White House documents: the White House Counsel's office, which supervised the process; the NSC staff involved; the archivists detailed to the White House to conduct the file searches; the key FBI agents involved in the searches; and, finally, members of the staff of the Independent Counsel who were involved in the document production process. The Independent Counsel's office also provided answers to written interrogatories submitted by the Committee, summarizing the activities of all the FBI agents working under their supervision in the document production process.

In addition, SSCI staff was permitted to examine the actual documents which came to light during the North trial in the folders and boxes in which they had been stored both during and after the searches in question. The White House also provided copies of the work sheets on each document that had been provided in a different form to the investigating committees which indicated how the document had been handled within the White House.

The SSCI also undertook as part of this review an examination of all of the exhibits released to the public during the North trial to ascertain whether there were documents other than the six which had been identified by Senators Mitchell, Inouye and Rudman which had not been provided to the Committees. This review resulted in the determination that one additional document—relating to the same series of documents referred to previously involving the approach to the Honduran government in February, 1985—had been provided to the Committees in a materially-different form. This document was then included in the ongoing review and analysis. (See page 38.)

The Committee received the complete cooperation of the White House and former White House officials with respect to the conduct of this review.

CONTENT OF REPORT

The following report consists of an Executive Summary which also sets forth the Findings and Conclusions of the SSCI. A detailed description of the document production process and an analysis of the particular documents at issue conclude the report.

EXECUTIVE SUMMARY

During the period of the congressional investigations into the Iran-Contra—roughly December, 1986 through November, 1987—there were essentially two searches of White House records for relevant documents. The first, which was undertaken pursuant to somewhat limited guidelines from the Attorney General, took place in December, 1986-January, 1987. It was essentially limited to the 1985-86 files of key National Security Council (NSC) staff members, present and former, who were the subject of the investigations, as well as a portion of the NSC's most sensitive institutional files. The search criteria focused largely on the arms sales to Iran and the diversion of proceeds from such sales to the Nicaraguan resistance. A second search, which was much broader in scope and which encompassed all White House files created during the Reagan Administration, occured in March-June, 1987.

A year later, as a result of two discovery orders issued in the course of the North litigation, the files of the NSC were searched again, and North and his attorneys were permitted to select and copy any document they wished from his own files. According to the Independent Counsel, who received copies of the documents produced in these 1988 searches, roughly 15,000 pages of "new" material were produced as a result.

Of the seven documents which were introduced into evidence at North's trial in 1989 which appeared not to have been produced to the congressional investigating committees two years earlier, six were produced to the Independent Counsel for the first time as a result of these 1988 discovery searches. The remaining document was, in fact, produced during the 1987 searches to the Independent Counsel, and, according to White House records, to the Iran-Contra Committees as well. The White House, in fact, has a signed receipt showing acceptance of the box in which the document was purportedly transmitted. The Committees, however, never entered the document into their records, never became aware of its existence, and may never have received it.

THE SIX "NEW" DOCUMENTS

During the 1988 discovery searches, copies of all six "new" documents were found in North's files or in the files of Robert McFarlane, all of which had been moved to North's office (Room 302 in the Old Executive Office Building) for searching during the initial search in December, 1986-January, 1987. Second copies of three of these documents were also found in 1988 in other NSC files which had been previously searched.

North's files and those of other key NSC staff were, in fact, searched completely during both searches which occurred during the congressional investigations. Apart from several very limited

searches by White House attorneys, responding to specific requests, the only known searches of these files were by FBI agents assigned to the Independent Counsel.

During the first search of these files, the FBI agents were operating under the limited search criteria established by the Attorney General, which do not appear likely to have captured the documents in question.

During the second search of these files—the so-called "omnibus search" performed in March-June, 1987—the situation is more ambiguous. During this search, the FBI agents were using criteria provided by the Independent Counsel which were intended to locate evidence in support of a criminal investigation and prosecution. The six documents, relating to a series of U.S. diplomatic actions towards the government of Honduras were, according to the FBI agents involved, on the borderline of the criminal investigation. Versions of three of the six documents were, in fact, produced during the second search, suggesting that certain of the FBI agents considered them relevant under the Independent Counsel's criteria. On the other hand, it is apparent that the copies in North's files and the copies found in other NSC files which produced during the summer of 1988 had not been selected during the earlier searches.

None of the six documents at issue turned up in the searches of the institutional files of the NSC during either the 1987 or 1988 searches. Nor were any originals of the six identified during the course of these searches. It now appears, as a result of a recent (May, 1989) search undertaken at the Reagan presidential library in California, that the originals of three of the six documents had been segregated from the NSC institutional files in a special "head of state" file maintained by an NSC records administrator which apparently was not searched in either the 1987 or 1988 searches. (See page 10.)

THE SEVENTH "NEW" DOCUMENT

The seventh "new" document was a memorandum dated October 30, 1985, from North to McFarlane requesting that McFarlane obtain approval from the President for certain reconnaissance flights over Nicaragua. Attached to the memorandum was a note, apparently also from North to McFarlane, suggesting that at the time he saw the President, McFarlane advised him that "we intend to air-drop [certain] intelligence to two Resistance units . . . along with two Honduran provided 106 recoilless rifles . . ." This would have been occurring at a time when intelligence-sharing was permitted, but U.S. assistance was limited to humanitarian aid. Although notations on the memorandum itself appear to indicate that McFarlane's then-deputy Admiral Poindexter obtained the President's approval for the proposed reconnaissance, the memorandum does not indicate whether the substance of the note was conveyed to the President.

White House records show that the memorandum in question (one page of which contained redactions), together with the attached note, were found in North's files on March 27, 1987, and transmitted to the Committees on April 24, 1987. The number assigned to the document by the White House was included on a list

of documents purportedly transmitted to the Committees on the date specified, and the White House retained a receipt from the Senate Committee on that date for several boxes of documents. The letter of transmittal which accompanied these boxes indicated that this document was among those receipted for.

The document could not be found in the files of either House or Senate Iran-Contra Committee, however, and key staff members do not recall it. Without exception, they stated it would have been considered relevant and believe they would have remembered having seen it.

White House representatives state that the lists of documents being transmitted were routinely prepared by pulling the documents out of the box to be delivered and recording them immediately prior to sealing and delivery, but apparently this procedure was not followed with respect to the box containing the document in question.

FINDINGS AND CONCLUSIONS

The SSCI pursued every logical avenue of inquiry in its review of this matter for as long as it appeared productive. The findings and conclusions which follow are based upon these inquiries.

The SSCI does not rule out the possibility, however, that new evidence could emerge in the future which might alter these findings and conclusions. Indeed, definite answers may yet emerge to questions whose answers here are necessarily inconclusive. The Committee has simply come to the point of exhausting what appear at this juncture to be productive leads, and it believes the possibility that additional new information might emerge does not justify further delay in providing its report to the Senate.

WITH RESPECT TO WHETHER THE SEVEN DOCUMENTS IN QUESTION HAD BEEN DELIBERATELY WITHHELD FROM THE IRAN-CONTRA COMMITTEES

1. *The Committee found no evidence to suggest that six of the seven documents, all involving aspects of a U.S. diplomatic approach to the Government of Honduras in February-April, 1985 ("the Honduran documents"), had been deliberately and systematically withheld by the White House, or persons within the White House, from the congressional investigating committees. With regard to the seventh document, the October 30, 1985 memorandum, the Committee also found no evidence of a deliberate attempt to prevent the document from reaching the Committees, but the circumstances surrounding its failure to be provided suggest a different explanation than do those regarding the Honduran documents.*

2. *With regard to the six Honduran documents, the circumstances suggest that any systematic effort by the White House to prevent their production to the Committees would have been difficult to accomplish and inconsistent with a number of other actions taken by the White House:*

To deliberately preclude those six documents being produced to the Committees, it would have been necessary to remove all copies from White House files. Due to the inadequacies of the NSC's filing system at the time, there were no available means for anyone to determine where all copies of any particular document were located. NSC institutional files, as well as the personal and office files of NSC staff components were all potential sources of copies of the documents in question.

More importantly, the files most likely to contain copies of the documents in question—those belonging to North, McFarlane, and Poindexter and other key NSC staff—remained, for the most part, relatively inaccessible during the period of the congressional investigations. North's files, in fact, were secured by NSC staff in Room 302 of the

OEOB during the afternoon following the Attorney General's news conference on November 25, 1986. The files of McFarlane, Poindexter, and the other NSC staff principals involved were brought into Room 302 later that week. On November 28, 1986, the FBI took joint custody of the Room 302 files and controlled entry to the room during the period of the first searches. As files were reviewed they would be moved to a vault on the 5th floor of the OEOB. Once the searches were concluded at the end of January, 1987, control of the files was returned to the custody of the NSC staff officer in charge of the documents. During the period between the first and second searches of these records (i.e. between January and late March, 1987), access to the vault was apparently limited to NSC staff attorneys who required access to make limited searches, e.g. to satisfy the requests of the Tower Board. Indeed, with the exception of these searches and a September, 1987 search of 19 of North's files by a representative of the White House Counsel's office in response to a request from the House Committee, no one other than FBI agents was permitted to search the files of the key NSC staff involved in the Iran-Contra affair during 1987.

In fact, anyone attempting to prevent the production of the six documents in question would not only have had to also obtain access to the files themselves, but would have had to learn in which boxes the six documents were stored. Otherwise, any such person would be confronted with searching literally hundreds of cardboard boxes to identify the documents in question. This would have meant at a minimum that the NSC documents control officer and/or representatives of the White House Counsel's office would have to provide information identifying the boxes in which the pertinent documents were stored. Both deny that this ever occurred.

Indeed, copies of all six documents were ultimately found in 1988 in files of the key NSC staff involved in the matter.

It is also clear that the White House staff did not, as a practical matter, have complete control of the document production process. While the White House Counsel's office played a role in confirming the relevance of documents selected by the FBI, it was not the sole arbiter of relevancy issues. If FBI agents considered White House documents as relevant and the White House Counsel disagreed, the matter was settled in a discussion between the Independent Counsel's office and the White House Counsel. Further, members of the NSC staff who were participants in the document production process were limited primarily, if not totally, to records administrators and security officers and did not include policy staff with a connection to the controversy. Their role was chiefly to pull the documentation together for archivists and FBI agents to search. The criteria for the searches, including keywords

for computer searches, were developed in coordination with the Independent Counsel.

The Iran-Contra Committees were given access to copies of earlier drafts of four of the documents at issue which conveyed much of the substance of matters covered by the six documents in question. If the intent was to conceal from the Congress the fact of approval of these documents, unsigned drafts or other documents conveying the substance of the information, e.g. presidential diary entries, would likely not have been provided. The Iran-Contra Committees might have followed up on those documents if they had chosen to do so.

Moreover, the Iran-Contra Committees were given access to other documents which raised similar concerns. For example, the Committees' final report at page 46 discusses at some length the Administration's deliberations regarding a *quid pro quo* for another country, identified as country 14, for the assistance being provided to the Contras. It would seem incongruous that a deliberate, systematic effort would have been made to conceal *quid pro quo* deliberations involving one country and not the other.

Although the White House refused to permit staff from the Iran-Contra Committees to review personally North's files, the White House did offer the Committees, at two points in the process, an opportunity to select files listed on inventories of North's files to be reviewed to determine whether all the documents relevant to the Committees' needs had been selected. The first such offer was made in a White House letter of March 12, 1987, in which the White House offered to go through selected files with the chief counsels of each Committee. A similar offer was made in a White House letter of June 9, 1987, in which the White House offered to have archivists search any files on the inventories identified by the Committees in accordance with whatever criteria the Committees wished to impose. These inventories, in fact, listed the files in which the six documents ultimately were found. Although it would have been difficult, given the general titles of these files, for the Committees to ascertain which of them may have contained relevant documents, and indeed, the Committees knew those files had been thoroughly searched already, providing such an opportunity would not appear consistent with a delibertate effort to avoid production of such documents.

While there is evidence that during the course of the congressional investigations, relevant documents were missed in the initial searches and had to be specifically requested later by the Committees, there is no evidence that any such requests were denied, nor any evidence to indicate any other documents were deliberately withheld without the Committees' being advised. Of those involved in the document production process who have been interviewed, none provided any evidence whatsoever suggesting a deliberate effort or attempt on the part of anyone relat-

ed to this process to withhold information from the congressional investigating committees. Indeed, a great deal of information, seemingly more embarrassing and damaging to the Administration then at issue here, was produced by this process and provided to the Committees.

3. *While there is no direct evidence to suggest it occurred, the SSCI review cannot, however, absolutely rule out the possibility that selective efforts could have been made by an unknown person or persons to remove certain copies of the documents in question from certain files, without attempting a comprehensive effort to remove all such copies.* The inquiry did confirm that the opportunity to remove copies of such documents was present, and, indeed, in some cases, documents were not found in the places they should have been. For example, no original of any of the Honduran documents was ever produced from the NSC institutional files during the 1987 or 1988 searches.

Although access to the Room 302 files was relatively limited, control rested with the NSC staff immediately before and after the first searches. Furthermore, in the case of White House and NSC files which were not searched during the first searches (i.e. the "non-302" files), these were not segregated and secured until late March or early April, 1987. These included certain NSC institutional files as well as White House files.

White House representatives have advised, in fact, that the originals of three of the six documents including the February 19, 1985, memorandum—which reflected Presidential approval of the proposed approach to the Honduran government—were only recently located at the Reagan presidential library in California. They were found stapled together in a separate NSC file reportedly maintained by an NSC records administrator as a "convenience" file to enable him to produce quickly the originals of presidential correspondence or memoranda involving heads of state. Such originals would ordinarily have been placed within the NSC System II institutional file, but in this case copies of the originals were reportedly made and placed in the System II file. These copies were not identified as a result of the search of System II which occurred in March–June, 1987, although it does appear that the February 19, 1985, memorandum was identified in the keyword search and either could not be located or was found but never produced. It also appears, from the absence of markings on the box in which the separate "heads of state" file, referred to above, was ultimately found, that it had not been searched heretofore in an attempt to locate this or other System II documents. The NSC Records Administrator who maintained this file was not involved in the search of System II and did not recall ever being asked to locate documents which could not be found in System II itself.

The SSCI found no direct evidence to conclude that this particular file, or any of the six documents which failed to be identified or found during the 1987 search of System II, had, in fact, been purposefully withheld or removed from the document production process.

4. *Although a deliberate effort to remove copies of certain of the documents cannot be entirely ruled out, the failure of the document*

production process in 1986–87 to produce the six Honduran documents can most likely be attributed to the mistaken, but good faith judgment of the FBI agents conducting the search that the documents in question were not relevant. The Committee bases this conclusion on the following facts established by its review:

> Copies of all six documents in question were ultimately found in files which had originally been moved to Room 302 and were later stored in an NSC vault. They had not been produced either to the Committees or to the Independent Counsel during the 1986–87 searches. With the apparent exception of several limited searches by White House staff attorneys, these files were searched exclusively by the FBI agents assigned to the Independent Counsel. Recent examination of the documents in question showed there were no notations on any of the six documents indicating they had been selected as relevant during the 1986–87 searches.
>
> With respect to the copies of two of the documents which were found in other NSC files in 1988, they too contained no notations indicating they had been previously selected in the 1987 searches. Apparently, they either were missed by the archivists and never reviewed by the FBI agents during the March–May, 1987 searches or were selected by the archivists and were subsequently not selected by the FBI agents upon review. All of the archivists state today that they clearly would have considered the documents relevant under their criteria. Thus, while human error cannot be entirely discounted, the fact that the documents were missed appears more likely to have been because the FBI agents involved in the searches did not select them as relevant.

5. *The decision of certain of the FBI agents not to select the six documents as relevant during the 1987 searches most likely was a result of ambiguity of the selection criteria used in the two searches which occurred. During the first search, the criteria employed in the search appear clearly inadequate to produce the documents in question. Focused upon arms sales to Iran and diversion to the Contras, these criteria did not expressly reach to solicitation of third-country support for the Contras. During the second "omnibus search," the criteria under which the FBI agents were operating appear ambiguous as they applied to U.S. Government solicitations of third-country support for the Nicaraguan resistance and, in particular, to solicitations of such support from the Government of Honduras.* The Committee arrives at these conclusions based upon the following evidence:

> During the first search which took place in December, 1986–January, 1987, the FBI agents utilized search criteria calling for documents created between January 1, 1985, and November 28, 1986, involving (1) arms activities with Iran; (2) hostage negotiations using arms as an inducement; and (3) financial aid to the Contras which related to Iran or Israel.

During the second, "omnibus" search of White House records, which took place in March–June, 1987, the FBI agents used as the sole basis for their search the criteria set forth in a memorandum of the Independent Counsel to the White House dated February 27, 1987. As they pertained to assistance to the Nicaraguan resistance, these criteria called for "[a]ll documents, files and records of any kind pertaining to . . . the provision or coordination of support for persons or entities engaged as military insurgents in armed conflict with the Government of Nicaragua since 1984, including but not limited to, all documents, records, files and bank records relating to any individuals and entities listed in [other portions of the memorandum]." None of the individuals and entities listed elsewhere in the memorandum included the country of Honduras or the name of Honduran President Suazo, nor did they list President Reagan or Vice President Bush among the U.S. officials.

Thus, while the critiera which governed the second search generally did encbmpass assistance to the Nicaraguan Resistance, they did not expressly call for documents relating to U.S. solicitation of third-country support for the Nicaraguan Resistance, nor did they specifically mention the names of the country or individuals most prominently involved with this particular episode.

As indicated, there were, in fact, drafts of four of the documents in question which were selected by FBI agents using the criteria listed above. These were provided to the Committees in a different form than that ultimately produced at the North trial. Clearly, this indicates that one or more agents interpreted the criteria to include these documents as relevant. In fact, in recent interviews of the agents, the Committee found differing views of the relevancy issue. The general consensus was the Honduran documents would have been "marginally relevant" to the Independent Counsel criteria. Symbolizing this ambiguity, a copy of one of the Honduran documents was, in fact, placed in the "borderline" file by one of the agents for later determination of relevance during the "omnibus search."

Finally, it is clear that the FBI agents conducting these searches were acting under the supervision of the Independent Counsel throughout, and did not take direction from anyone on the White House staff.

6. *The Committee is unable to explain with certainty why the seventh document in question, the October 30, 1985, memorandum with the North note attached, never came to the Committee's attention.* Pertinent facts about this document can be summarized as follows:

The document was pulled by the FBI agents from North's office files on March 31, 1987, and subsequently produced to the Independent Counsel.

White House records show that the document, including the attached note, was also transmitted and received by

both Committees in redacted form on April 24, 1987. (There were no redactions in the note itself.) The number assigned by the White House to the document (199) was contained within a group of numbers (196–201) on a list of documents received and receipted for by the Senate Committee on that date.

White House representatives explained that by April, 1987, the transmittal lists for documents sent to the Iran-Contra Committees were without exception being prepared by two military support personnel—one, an attorney and the other, an administrative specialist. Each document which had been copied for the two Committees would be placed in a box and the White House number identifying the document would be recorded and an inventory prepared. This inventory would then be used to prepare the transmittal letter to the Iran-Contra Committees. Once the inventory had been prepared, the box would be sealed by the same military personnel and transported to the Committees, where receipts were obtained.

The SSCI review has shown, however, that at least in this particular instance, the process did not work in this manner. The transmittal list, in fact, contained the numbers of sixteen documents which were not sent to the Committee, but rather were put in the "access only" file at the Old Executive Office Building (OEOB). Moreover, none of the documents in the group of numbers in which #199 was included was entered into the records of the Committee.

Neither the House nor Senate Committees' records show that the document was entered into their files, nor do any of the staff members of either Committee who were interviewed remember seeing it. Hand searches of all of the files received by the Senate Committee on April 24, 1987, as well as other possibly pertinent files, similarly failed to produce the document in question.

The Senate Iran-Contra Committee routinely entered into its files each document that it received. It did not confirm in every case, however, that all documents which were listed on the transmittal list were, in fact, received. Thus, it is impossible to ascertain whether the document was, in fact, ever received by the Senate Committee.

House Iran-Contra Committee records did not prove to be sufficiently clear to determine whether the document had been received.

Although faulty recordkeeping at both Committees precludes a conclusive determination that the document in question was received, given the fact that none of the documents in the series of numbers (six including #199) used by the White House was entered into the records of the Committees, that the Committees themselves would not have treated these as a distinct group of documents, and that there were errors made at the White House in the case of this particular transmittal, the SSCI does not believe it likely that the document in question was among

those which were delivered to the Committees on April 24, 1987.

In addition to the possible transmittal of this document to the Committees, White House records confirm that an unredacted page of the document was placed in an "access only" file and reviewed at the OEOB by Senate and House Committee staff. The unredacted page did *not,* however, have a copy of the North note attached. It also appears that the original of this memorandum was among those reviewed by staff of the Committees for possible forgery or alteration. Only the letterhead and watermarks on the stationery were examined at this time, however, and the North note was apparently *not* attached.

WITH RESPECT TO THE DOCUMENT PRODUCTION PROCESS

As with any such review, it is always easier with hindsight to find fault with how a process such as this one was handled. Given the enormous difficulties in undertaking and completing an investigation of this nature in a relatively short period of time, it is not surprising that accommodations and mutual assurances were relied upon to get the job done. The SSCI, therefore, does not wish its criticisms of the document production process to obscure its overall impression that the process worked remarkably well, a tribute to cooperation and good faith on the part of all parties who participated in it. Indeed, the Iran-Contra Committees received over 300,000 pages of documents from the Administration, including approximately 70,000 pages from the White House itself.

Neither, importantly, does the Committee view the apparent shortcomings it found as providing a cause for serious concern with respect to the fundamental success of the investigation. The Iran-Contra Committees had the benefit not only of White House documents, but also of the testimony of hundreds of witnesses, and hundreds of thousands of pages of documents from departments and agencies within the Executive branch. The Committees got the story.

The following findings, therefore, are primarily intended to benefit those who may be faced with similar responsibilities, again in very difficult circumstances, at some future point.

1. *The White House staff should have taken a substantive role in ensuring that all relevant documents had been produced to the Committees.* The White House itself had an obligation to the Iran-Contra Committees, agreed to by the President, to ensure that the document production process produced all documents relevant to the Committees' needs. In fact, the role of White House staff was limited to confirming as relevant documents which had been selected for a criminal investigation. White House representatives made repeated and broad assurances to the Committees that they were receiving all White House documents that were relevant to their needs. While the SSCI does not doubt these assurances were made in good faith, the White House staff, in fact, had no way of knowing if other documents responsive to the Committees' criteria were not being selected.

If the White House would not permit representatives from the Committees to do it, then White House staff should have arranged for an impartial review of the files of at least the key NSC participants in the congressional investigation to ensure all documents relevant to congressional needs were being produced. This was necessary, in fact, to satisfy the President's own commitment.

The Iran-Contra Committees, particularly the Senate Committee, did not insist on such a review, at least prior to September, 1987. Clearly, it would have created an issue, given the additional resources that would have been required and the burgeoning workload already imposed upon those involved. Nevertheless, it would have provided greater assurance to all sides that the process had worked.

2. *The Committees should, at a minimum, have reviewed and confirmed as satisfactory for their purposes, the search criteria being utilized by the FBI agents to search White House records.* The Honduran documents, in fact, provide an excellent example of a topic which would have been of great significance to the Iran-Contra Committees, i.e. Presidential or Vice Presidential involvement in efforts to obtain third-country support for the contras, which may have been of "marginal relevance" to the criminal investigation. Indeed, the search criteria were not explicit on this particular topic.

To some extent, it is clear that the Iran-Contra Committees were relying upon broad assurances from the White House that they were receiving everything that might be relevant. On the other hand, the Committees knew of the reliance upon FBI agents for the initial searches, and, at least in time, became aware that the White House staff was not conducting its own review. They did not, however, seek to ascertain whether the actual search criteria being used by the FBI satisfied their needs.

Indeed, as it now appears, there was confusion on this point. The White House staff believed the FBI was using search criteria established by its memorandum of March 27, 1987, when, in fact, the FBI was using criteria supplied by the Independent Counsel a month earlier. While the differences in these two sets of criteria are not substantial, it is clear than no effort was made to ensure the congressional criteria were encompassed by the search criteria which were actually used.

At two points in the process, the Committees were provided with an opportunity to select files which had already been reviewed for a search under whatever criteria they wished to impose. This was not actually done until after the Committees' hearings were over, and then only on a limited scale. Had this been done early in the process in a more systematic way, it could have served as a check to see how well the process was working.

In any case, the Committees, if they were to agree to an arrangement where persons who were not acting under their control were given sole responsibility for producing documents to satisfy their needs, should have satisfied themselves that those needs were, in fact, being met.

3. *White House records pertaining to the Iran-contra affair should have been segregated and secured far earlier than they were.* The files of North and the other key NSC staff participants in the Iran-

contra affair were segregated and secured by FBI agents three days after the Attorney General's news conference on November 25, 1986. They were returned (unsealed) by the FBI to NSC custody and control after the December, 1986-January, 1987 searches and searched again by the FBI agents in March-June, 1987. All of the other NSC and White House files which pertained to the investigation were not segregated or secured until roughly April 1, 1987, over four months after the investigation began. The opportunity for records to be tampered with or removed during this period is apparent.

4. *Given the enormous volume of documents the Iran-Contra Committees were handling, some shortcomings in accounting procedure could be anticipated. Indeed, aspects of the Committees' recordkeeping systems could have been improved.* While the Senate Committee records were more comprehensive and far better organized than those of its House counterpart, neither provided an optimal degree of control. The Senate Committee, for example, did not routinely check White House transmittal letters to ascertain that the documents receipted for, had, in fact, been delivered. Also since the Committee did not record in its own computerized index the numbers assigned to documents by the White House, it often proved difficult to determine whether a particular document had been received.

PART I. SUMMARY OF THE DOCUMENT PRODUCTION PROCESS

A. THE FIRST SEARCHES: NOVEMBER 1986–JANUARY 1987

NSC Files Are Secured and Reviewed

At noon on November 25, 1986, the story of the arms sales to Iran and the diversion of funds to the Nicaraguan resistance was made public by the Attorney General. The NSC documents custodian/security officer, Brenda Reger, along with Secret Service agents, secured the documents in North's office (Room 302 of the Old Executive Office Building) the same afternoon, and had the locks changed. Reger alone had the combination. She also had Poindexter's files moved into 302 on November 26, 1986. Initially, Reger placed files from North's outer office into 15 cardboard boxes and had them taken to the vault on the 5th floor of the OEOB. They were returned to 302, however, when the FBI agents came to the White House on November 28th.

A letter was sent from Attorney General Meese to White House Counsel Peter Wallison on Friday, November 28, 1986, asking him to secure all White House documents which might relate to the investigation. Six FBI agents were assigned to the White House the same day, and took joint custody of the documents in Room 302. Guards were posted at the office over the weekend, and on Monday, December 1, the FBI agents began searching the files in accordance with guidelines in the Attorney General's letter.

These guidelines called for the production of documents and other materials concerning "(1) all arms activities involving Iran; (2) all hostage negotiations or similar communications involving arms as an inducement; (3) all financial aid activities involving the Nicaraguan resistance movement which are related to Iran or Israel; and (4) all activities of Robert C. McFarlane, Don Fortier, Lt. Col. Oliver L. North, Admiral John M. Poindexter, Paul Thompson, Adolpho Calero and Richard V. Secord relating to 1–3 above*" The time period covered by the guidelines was from January 1, 1985, until November 28, 1986.

Reacting to this request, Brenda Reger began moving the office files of the other NSC officials named in the request (McFarlane, Thompson and Fortier) into Room 302 as well and began segregating those files which appeared pertinent. Acting on her own, Reger put aside any files pertaining to the Middle East and Central America. The files of North aides Robert Earl and Craig Coy were already stored there.

Reger and/or her assistant stayed in Room 302, with the FBI agents during this early period. The FBI agents, in fact, set up an informal "headquarters" there. To their recollection, no one other than Reger and her staff entered this room during the period of the first searches.

The Senate and House intelligence committees announced investigations on December 1, 1986, and began requesting documents immediately thereafter.

The Tower Board was also established on December 1, 1986, and began to request access to documents. The White House Counsel's office was the focal point for these requests in early December.

An Independent Counsel Is Appointed

An Independent Counsel, Lawrence E. Walsh, was appointed on December 19, 1986. By this time, the FBI agents had searched approximately a third of North's files in Room 302.

The six FBI agents who had been conducting the search under the Attorney General's direction were re-assigned to Judge Walsh after his appointment. All were initially permitted to review the North materials located in Room 302 with the exception of certain highly classified files which did not appear to relate to the investigation. When it appeared after several days, however, that some of these contained extremely sensitive documents, the number of agents with total access was reduced to two.

The FBI agents pulled and initiated documents that appeared relevant. While the search was conducted in accordance with the Attorney General's November 28, 1986 guidelines, the FBI agents involved exercised a certain amount of judgment in view of the uncertainty of precisely what they were dealing with. The actual copy of each document selected as relevant was stored in an FBI safe in room 302, and another copy was made and sent to Alan Raul or Dean McGrath, staff attorneys in the White House Counsel's office of confirmation of relevancy. Once relevancy was confirmed, the original would go to the Independent Counsel and a copy would be returned to the file in Room 302 from which it had been taken.

Raul recalled no disputes over relevancy during this early time period. Others recalled, however, that there were occasions during the course of the process when the White House counsel disagreed with the FBI agents on relevancy issues. The FBI agents, in fact, would put disputed documents in a safe, which would be periodically shown to John Douglass, a staff attorney for the Independent Counsel. Douglass, if he believed the documents to be relevant, would take them up separately with the White House Counsel's office. Any document which had not been returned by the White House Counsel's office with a relevancy determination would also be taken up in this manner. The FBI agents also maintained a safe for documents "on the borderline," that would periodically be raised in the same manner with the Independent Counsel's staff representative and with the White House Counsel's office.

In the first few months, prior to March, 1987, copies of documents which had been selected by the FBI agents for the Independent Counsel were logged out manually by the White House staff. At the time, Raul, McGrath and Reger comprised virtually the entire White House staff involved in document production. (At its peak, with detailees, the number came to about 65.)

In early January, 1987, former NATO Ambassador David Abshire was named to coordinate White House efforts in responding to the various investigations. He became the official "transmitter"

of documents to the Congress. His executive assistant was Charles Brower, who handled the day-to-day work.

The Congressional Investigating Committees Begin Work

The Senate investigating committee was officially established on January 6, 1987; the House committee, the following day. A day before the Senate Committee was officially established, Senators Inouye and Rudman, the prospective Chairman and Vice Chairman, respectively, wrote to the President requesting that "no documents be destroyed which relate in any way to the matter under investigation . . . [and] further . . . that any documents relating to this matter, including copies of documents provided to other investigative bodies, be made available to the Select Committee. . ."

Although the early correspondence between the White House and the Committees does not specifically reflect them, there were apparently discussions at the outset between the White House Counsel and the leadership of both Committees in terms of the basic ground rules to be followed. It was informally agreed that the President would cooperate with the Committees' investigation and would not assert executive privilege to protect the information concerned. The President, in fact, pledged his cooperation in several public statements, which were reported in virtually every piece of correspondence sent by the White House to the Committees. The Committees, for their part, would proceed by letter requests, rather than by subpoena. (Liman remembers there being particular sensitivity at the White House concerning the precedent of complying with a congressional subpoena for White House records.)

The House Committee submitted its initial document request to the President on January 14, 1987, which requested only records held by the Justice Department. The letter, among other things, asked for "all Justice Department records relating to . . . the supplying or proposed supplying of any financial or other assistance in whatever form to antigovernment forces in Nicaragua."

The Senate Committee followed up several weeks later with a general request to Abshire on February 4, 1987, to provide "all documents heretofore or hereafter made available to the House Select Committee. . ."

By January 30, 1987, the FBI agents had completed their first search of documents located in Room 302. They had also done a computer search of all entries in the NSC's System IV filing system, containing intelligence documents. Approximately 3,000 documents were selected in this first cut. Copies were made as they were produced for the Tower Board and for the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence, both of which were conducting preliminary inquiries.

Complete sets were also provided to the newly-created Senate and House Iran-Contra Committees. In his transmittal letter of February 6, 1987, to the Senate Committee, Abshire notes "[w]e are providing your Committee today with copies of the documents that were found relevant to the Independent Counsel's inquiry and were removed for him by the FBI. A very limited number of documents containing extremely sensitive information on intelligence sources and methods and on our relations with foreign nations are not being included, but will be made available for your review." This

latter sentence alluded to the "access only" file which was created at the Old Executive Office Building to store documents which could only be reviewed by the Committees at that location. Additional information concerning this file is set forth below.

Abshire's letter clearly notes that the documents being provided the Committees has been selected by FBI agents as relevant to the Independent Counsel's inquiry. It was less clear to the Committees themselves, however, what role, if any, the White House staff was playing in this process. In fact, with respect to the files in Room 302, only FBI agents took part in the searches; no members of the White House staff, including the White House Counsel's office, were participating. White House representatives have recently advised that this was due to the lack of available staff, the clearance problems, and the evidentiary problems since the purpose of the search was to look for documents which might be used in a criminal proceeding.

The recollections of each of the Committee's Chief Counsels differ, however, in terms of their understandings at the time of White House staff involvement in the searches being done in North's files. Arthur Liman does recall being advised during this period that the White House staff was not participating in the search of North's files; rather, it was being left solely to the FBI agents. Liman regarded this as comforting rather than alarming, since the FBI agents were presumably experienced and professional in selecting relevant documents, and had no political agenda of their own. John Nields, on the other hand, stated that he did not learn that the White House Counsel had not been involved in reviewing North's files until August, at which time he was shocked and outraged. He did not view this as sufficient compliance by the White House with the congressional document requests.

In any case, as the files in Room 302 were reviewed, they were returned to the custody of Brenda Reger of the NSC staff, who had them moved to a vault on the 5th floor of the OEB. At the completion of the searches, the Independent Counsel's office sent a letter to the NSC requesting that the files which had been reviewed be secured and preserved.

During the two months which followed, Reger recalled that NSC staff attorneys required access to these files on several occasions. For example, one attorney had to satisfy requests from the Tower Board. Other legal proceedings required similar searches. Reger also stated that the NSC staff secretariat could have had access at the direction of the National Security Advisor, although she does not recall such instances *per se*. Recent examinations of certain of the boxes in which these files were stored do, in fact, confirm that they had been opened by NSC staff attorneys during the two-month period following the first searches.

The Tower Board issued its report on February 26, 1987.

B. THE SECOND SEARCHES: MARCH–JUNE 1987

Requests of the Independent Counsel

On February 27, 1987, a representative of the Independent Counsel's office sent a letter to the White House requesting that a full set of White House documents—except for the files which had pre-

viously been produced from Room 302—be provided and reviewed for potentially relevant information. The criteria given the White House for producing documents for FBI review were considerably broader than the Attorney General criteria used in the previous search.

As they pertained to assistance for the Nicaraguan resistance, these criteria included "[a]ll documents, files and records of any kind pertaining to . . . (4) the provision or coordination of support for persons or entities engaged as military insurgents in armed conflict with the Government of Nicaragua since 1964, including, but not limited to, all documents, records, files, and bank records relating to any individuals and entities listed [in other portions of the memorandum]." These included references to 71 individuals and entities of both U.S. and foreign origin who had been connected with U.S. efforts to assist the Nicaraguan resistance. Country names were not used, and the list did not include the names of President Reagan or Vice President Bush. The list did include the names of a few Central American leaders, but was not comprehensive in this regard. Leaders of other countries in other parts of the world were not mentioned.

The Iran-Contra Committees do not appear to have been advised of the specifics of the Independent Counsel's request. The Office of the Independent Counsel has no record that a copy was ever provided. No copies of such request could be located in Committee files, nor do key staff members recall having seen it. (The significance of these criteria is discussed below.)

In any case, by March the Senate and House staff principals were in place. Arthur B. Culvahouse Jr. and William B. Lytton also came on board at the White House, as Counsel to the President and Deputy Special Counselor, respectively, although dealings with the Committees were still being handled by Abshire and Brower.

Negotiations between the White House and the Committees

A series of meetings took place in early March, 1987 between principal Committee staff (Liman, Belnick, Barbadoro, Nields, Eggleston, and Steve Ross) and White House staff (Abshire, Brower and representatives of the White House Counsel) to discuss the needs of the committees for further documents from the Executive Office of the President and NSC. A consensus was reached on almost everything, which was reflected in a White House letter of March 12, 1987 from Brower to the Committees. The letter set forth "parameters" for pulling together all White House and NSC documents relevant to the Committees' inquiry. These included, among other things, all documents involving or referring to "any efforts by members of the White House or NSC staff to support or coordinate the provision of military assistance to the Anti-Sandinista forces in Nicaragua." This letter, in effect, was the first and only detailed elaboration of the Committees' needs for White House documents.

During these meetings, the Committees asked for access to all of the files which had been searched in Room 302, regardless of subject matter, but the White House resisted strenuously on the grounds that staff was not cleared for all of the programs involved.

The March 12, 1987 Brower memorandum which followed did reflect, however, that the White House Counsel agreed to review with each Committee's Chief Counsel an index of North's files which had been deemed "non-relevant by the FBI in order to determine whether any further search is appropriate." Neither of the Chief counsels recalled this having been done at the time; rather, the matter of the Committees' access to 302 files was "put on the back burner" for the time being.

By the end of March, Culvahouse and Lytton began to take over the document production process at the White House, as well as the dealings with the Committees. They instituted a system for marking documents being produced with Bates stamps. Also under Lytton's direction, the White House set up a computerized document retrieval system and began inputting index information on all White House documents which had theretofore been provided.

The "Omnibus Search" of White House Records

On March 27, 1987, Culvahouse signed an internal White House memo, calling for an "omnibus search" of all White House and NSC files for "potentially responsive" documents. It was sent to all White House offices, in an apparent attempt to blend the specifications set forth in the March 12 Brower letter, satisfying the congressional interests, with those specified in the February 27 letter of the Independent Counsel. Portions of each letter were included. Insofar as documents relating to assistance to the Nicaraguan resistance were concerned, White House offices were asked to identify and transmit for review, "all memoranda, correspondence, working papers, cables, briefing materials, minutes, transcripts, handwritten or other notes, telephone logs, appointment calendars and schedules, diaries, computer data, electronic records, audio tapes, video tapes, and any other records, documents, and materials dating from January 20, 1981 to January 2, 1987, . . . relating to the provision or coordination of support for persons or entities engaged as military insurgents in armed conflict with the Sandinista government of Nicaragua . . . relating to any efforts by members of the White House or NSC staff to support or coordinate the provision of military assistance to the Anti-Sandinista force in Nicaragua . . . [and any information] relating to any efforts by the President, Vice President, or members of the White House or NSC staff to assist in private fundraising in support of the Anti-Sandinista forces in Nicaragua."

White House representatives without exception understood these criteria to include any U.S. efforts to solicit assistance from third countries for the Nicaraguan Resistance.

As part of this process, Brenda Reger ordered all NSC offices to retire all of their files and/or provide copies of documents which related to the matters covered by the Culvahouse memorandum, and pertinent files were moved to a central search location in the new EOB. These materials were placed in boxes as they arrived where they were stored until they could be searched. The files which had been stored in Room 302 and had been previously reviewed were also brought back to the new search location for a second review.

To help with the search, the White House brought on several (eventually up to 10) archivists from the National Archives in late March, to work under Reger to begin evaluating documents coming in from the other parts of the White House and NSC as well as the NSC's institutional files. Five additional FBI agents were also assigned to the Independent Counsel to help with these searches.

This "omnibus search" encompassed all of the NSC's files as well as all other offices in the White House which might have documents relevant to the investigation.

There were four institutional filing systems at the NSC itself. System I was used for administrative matters. System II was used to file NSC documents (NSDDs, minutes of NSC meetings, memoranda etc.) which did not involve sensitive intelligence. There was no System III. Sysem IV was the NSC filing system for intelligence. (The fourth system contained documents released to the public under the Freedom of Information Act.) All of these systems were searched.

In addition, there were files of NSC subordinate offices and individual NSC staff members, both active and retired, as well as the inter-office communications system, the PROF system, where communications between the staff were stored. All of the files of NSC subordinate offices and individual staff members were included in the search. Similarly, the PROF system was "dumped" in its entirety during this period, and relevant communications were provided the Committees.

Of the NSC institutional files, Systems II and IV received the most attention. Both were searched initially with computerized keyword searches, and portions were searched by hand. System IV, in fact, was ultimately hand-searched in its entirety in April–June, 1987. (See page 26 for additional details.) System II, on the other hand, was apparently determined to be too large to search on a document-by-document basis. It was searched only through its computerized keyword system to identify relevant documents. The keyword list was developed by the White House staff for the search and was reviewed by representatives of the Independent Counsel. The keyword search resulted in the production of seven or eight large boxes of "retrieval data sheets" on selected documents or files.

The "first cut" for relevance was accomplished by the archivists on the basis of a review of these sheets. If the archivists believed the data sheet referred to a potentially relevant document, the document itself would be pulled and reviewed for relevancy. These functions were performed by different people. An archivist conducted the review of the data retrieval sheets; the documents were pulled by NSC staff; and the subsequent review of the document was not necessarily done by the same archivist who had selected the data sheet. It appeared there was no consistent policy for dealing with missing documents. In any event, there was no indication that the fact of missing documents was conveyed to the FBI. The archivists were frequently expected to review as many as three cubic feet of documents a day.

The archivists' instructions were to tab the documents as potentially relevant if they contained such names or words as "McFarlane" or "Nicaragua" or "Honduras." They did not attempt to

assess the contents of documents if, in fact, the key words appeared in the text. Once the archivists tabbed a document as potentially relevant, it was passed to the FBI agents for a relevancy determination. If the FBI agents decided it was relevant, it would go to the White House Counsel's office for confirmation in accordance with the procedure established for the earlier searches.

Operating under the same procedures, the archivists and FBI agents also reviewed the "convenience files" retired by individuals involved in the Iran-Contra matter (Poindexter, McFarlane, Keel, Teicher, North, Earl, Coy, Burghardt, Menges, Fortier, Cannistraro, DeGraffenreid, McDaniel, Tyson and Kimmitt), and all such files of NSC staffers since 1981 (800 boxes). Searches were also conducted of files coming in from other White House and NSC offices. Calendars and telephone logs of 36 present and former NSC staff members and members of the Vice President's staff were also reviewed.

As mentioned above, the FBI also performed a second complete search of the files which had previously been reviewed in Room 302, under the new search criteria. As had been the case with the first search of Room 302 files, only FBI agents were involved in this review.

The "Omnibus Search" Relevancy Criteria

To select particular documents as relevant, the FBI agents involved in these searches were instructed to utilize the categories contained in the February 27, 1987 memorandum from the Independent Counsel (See page 21, above). They were unaware either of the criteria which had been established between the White House and the Committees, reflected in the Brower memorandum of March 12th, or of the White House memorandum of March 27th which had attempted to blend the congressional and Independent Counsel requests. As far as the FBI agents were concerned, they were producing documents solely for purposes of the Independent Counsel's criminal investigation. What the White House did in terms of satisfying the congressional requirements was not a matter of their concern.

For the FBI agents involved, there was no unanimity in terms of whether the Independent Counsel's search criteria were understood to encompass any U.S. effort to solicit assistance for the Nicaraguan Resistance from third countries. Country names were not included on the Independent Counsel's list of specific individuals or entities, and the list of individuals contained the names of but a few foreign heads of state. Whether they would have selected documents in this area as relevant appeared to depend upon the subjective views of each agent of the Independent Counsel's criteria.

In any case, it does not appear that the Committees themselves were ever advised of the criteria being used for the FBI search. The records of the Committees do not reflect such notice, nor do key staff members recollect having known this. More importantly, it does not appear that the Committees ever reviewed the Independent Counsel's criteria to determine whether, in fact, they encompassed the areas of their concern as reflected in the March 12 Brower memorandum.

Instead, it appears the Iran-Contra Committees relied upon the assurances of the White House that they were getting everything the Independent Counsel was getting as determined by the FBI agents to be relevant. In fact, the White House representatives who were making such assurances assumed that the FBI agents were using the White House memorandum of March 27, 1987, a copy of which had been provided the Iran-Contra Committees and the Independent Counsel, as a basis for making relevancy determinations.

Liman recalls being told at the time that the FBI search criteria were actually broader than the search criteria for the Committees, since they covered matters exceeding those involved in the Iran-Contra inquiry. Liman also recalls there being an implicit fear on the part of White House personnel of later being accused of a "cover-up," because relevant documents had not been produced. He said this translated into an attitude: "If it was even tangentially in the area—they (the Committees) would get it." This, too, gave him confidence that the process which had been established should produce all documents relevant to the Committees' needs.

In any case, the Iran-Contra Committees' review of the FBI's relevancy criteria appears never to have been an issue. The Committees appear to have been content to rely upon the FBI's determination of relevancy for the Independent Counsel's purposes as sufficient for their own without determining or analyzing the search criteria actually being used.

Reger, the archivists and the staff of the Independent Counsel knew of no exception to the policy that the Committees would get whatever the Independent Counsel was getting, although there was a difference in terms of the size of the "access only" category for each body. The "access only" category for the Independent Counsel was smaller, for the most part being limited to presidential items.

The "Access Only" Files

Decisions to place documents into the "access only" file were made by Alan Raul in the White House Counsel's office. Raul could not recall any written criteria for placing documents into the file, but over time, the file (which was a file drawer in Room 485 of the OEOB) came to include documents revealing particularly sensitive intelligence sources and methods, unredacted copies of redacted documents sent to the Hill, presidential handwriting exemplars, presidential interviews with the Tower Board, presidential diary excerpts, and minutes of NSPG meetings. In a letter from Culvahouse to the Committee, dated May 12, 1987, he stated that information in the "access only" file at that point included: "certain sensitive materials involving intelligence sources and methods, the foreign relations of the United States, interviews or handwritten materials of the President and Vice President, legislative strategy, or certain White House Counsel's work product or attorney-client materials dated after November 3, 1986."

Several members of the staff of each Committee were given access to the "access only" files, and would periodically make trips to the OEOB to read them. Liman received regular reports from his staff on these visits; but, he came to conclude that the materials in the file were not particularly crucial to the inquiry.

Documents continued to flow to the Committees from April through June, the correspondence files reflecting numerous such shipments to the Committees. Moreover, the Committees continued to request specific documents or documents regarding specific topics during the remainder of their investigation. The Committees would often find references to documents which had not been produced and would go back and ask for them, and they would be produced.

Also by this point, an Interagency Review Group had been established consisting of representatives of various agencies to review for classification problems any document, including White House documents, which had been determined to be relevant. Words or passages would be excised and/or substituted for, by the group. While its function was not to determine the relevancy of the documents it was reviewing, the group occasionally sent documents back to the White House Counsel because it believed them irrelevant. This would cause discussions between the White House Counsel and the Independent Counsel, described above, which would resolve the matter.

In early April, 1987, discussions took place between the Committees' staff and White House staff over access to the President's diaries. By letter of April 8, 1987, Culvahouse memorialized their agreement. It included a requirement that excerpts be prepared on a list of topics, including: "aid or assistance of any kind (including but not limited to military aid or assistance) to the Nicaraguan contras from any source (including but limited to, the United States Government, any foreign government, or any private individual or organization)."

Additional Search of System IV

On April 24, 1987, the Committees interviewed James Radzimski, a former NSC staff member who had been in charge of System IV. In the interview, Radzimski recalled seeing a copy of a memo from North to Poindexter, dated November or December, 1985, referring to the Iran arms sales and the division of proceeds to the Contras. Radzimski recalled the memo had been assigned a System IV number. Subsequently, the White House Counsel's office and NSC did another computer search of System IV to locate the document. No document was found.

On April 29, 1987, Radzimski was deposed by the Committees, reiterating the recollections described above and recalling another System IV memo in April, 1986, covering the arms sales and diversion. This prompted a hand search of all System IV documents by the NSC, archivists and White House Counsel's office. No document was found. On April 30, 1987, Radzimski was given the opportunity to personally attempt to retrieve the documents in question from System IV, but was unable to do so.

On May 3, 1987, the NSC again reviewed all computer entries for System IV. Only one number assigned to North or Fawn Hall was identified for which no document could be found, having been assigned in July, 1986. The Committees were cautioned at this point that sometimes numbers were assigned to documents which were never actually typed or entered into the System IV computer.

No such document recalled by Radzimski was ever located.

Adequacy of Searches Questioned

At the end of May, largely as a result of Liman's depositions of Admiral Poindexter, the Senate Iran-Contra staff became concerned that they might not have received all of the relevant files pertaining to North and other key NSC staff. On June 1, 1987, Senator Rudman advised the White House of the Senate Committee's concern that the search of the NSC records by the FBI might not have produced everything relevant to the Committee's investigation. Culvahouse responded on June 4, 1987, with a letter describing the progress of the document production to date. In a cover note to Rudman, Culvahouse made clear that the White House was relying heavily on FBI agents and professional archivists to conduct the searches. He also assured the Committees that the document production process at the White House was "working successfully to ensure that all relevant documents in the custody of the NSC are identified and provided for review by the Select Committee." For the Administration as a whole, he noted, 150,000 pages of highly classified documents had been made available to the Committees by this time.

Culvahouse also asked for a meeting with the Chairmen and Vice Chairmen/Ranking Minority Members of the two committees to discuss their continuing concerns. On June 4, 1987, at the conclusion of one of the Committee hearings, a meeting between Culvahouse and the "big four" took place in the Russell Senate Office Building in which a discussion ensured regarding the Committees' concerns that relevant documents may have been overlooked in North's files. Some—particularly Nields—believed the Committees themselves should have access to such files to make their own relevancy determinations. Culvahouse strongly resisted on the grounds that all relevant documents had been identified and that those remaining involved highly sensitive subjects not germane to the Committees' work. It was agreed that Culvahouse would provide the Committees with an inventory of the 302 files (not the documents they contained).

The requested inventory was provided as an attachment to a letter from Culvahouse dated June 9, 1987. It was 57 pages long, handwritten, and listed by file title approximately 800 file folders. Culvahouse requested the Committees to advise of any files on the list they wished to have reviewed as well as their search criteria, and he would have the archivists detailed to the White House review them to determine if further documents should be made available.

According to Liman, the Senate staff reviewed the inventory provided by Culvahouse to see if there were file titles that "jumped out" at them as indicating something new or an unknown aspect of what had already been provided. They knew that the FBI had already reviewed them twice and determined that the "non-selected" documents within the files were not relevant to the Independent Counsel's investigation. Liman says the file titles were so general that no such files could be identified. Thus, the Senate Committee made no further requests to have any of them reviewed.

The House Committee, similarly, took no immediate action on the list, which, due to its generality, the staff found to be of little value.

The Examination of System IV Originals

In July, 1987, the House Iran-Contra Committee requested to look at the originals and computer entry data sheets on 11 System IV documents for the purpose of determining whether additional documents may have been altered or forged. These documents were identified from a handwritten list of System IV documents which North had authored, which fell generally within the time period in which Radzimski had remembered seeing certain documents in System IV which could not be found. (SEE ABOVE.) Nields, several House staffers, and the Committee's document examiner went to the NEOB to see the documents to attempt to determine whether any of the originals of these documents appeared to have been altered or forged. (One of the 11 was, in fact, the October 30, 1985 memorandum on Reconnaissance Overflights. See pp. 39–41.)

According to those who participated, the Committees did *not* have copies of the documents concerned, but rather attempted to make their analysis based upon examination of the watermarks and letterhead of the stationery. During the examination of these originals, in fact, Reger covered the texts of each document with sheets of paper to prevent their being read.

Post-Hearings Document Production

In mid-August, after the Committee's hearings were over, Nields and Barbadoro (of the Senate staff) met with Lytton and Raul at the White House to discuss the situation on document production. As noted above, Nields states he learned for the first time at this meeting that the White House Counsel's office had not itself reviewed the documents in North's office for relevancy, and had relied entirely upon the FBI. He expressed his outrage at this, since he did not view this as sufficient compliance with the Committee's request to the White House. The White House representatives repeated their contention that the Committees had, in fact, been given all the relevant documents in North's office.

Following up on the meeting, Nields sent a letter to Culvahouse on August 28, 1987, requesting that the White House review 54 specified files, listed on the inventory which Culvahouse had provided on June 9, and either confirm that all the relevant documents in them had been produced or explain why they had not been produced.

On September 4, 1987, Culvahouse responded, saying that the White House would not undertake such a review, and asked the Committee to reconsider its request. Pointing out that they had not heard anything since his letter of June 9, 1987 to the Committees, Culvahouse noted the White House had released most of its help. He added that the 54 files were located in 23 boxes taken from North's files. In addition, he pointed out: "Every document, every piece of paper in these files has been reviewed on at least two separate occasions by the FBI in conjunction with the Independent Counsel's investigation. In addition, our office has reviewed all potentially relevant documents and determined which materials are

responsive to the search criteria your Committee and the Senate Select Committee identified. We are satisfied that documents that were not produced to you were not relevant to your inquiry and there is no reason to believe that any of such documents are responsive to any of your requests." The letter points out that over 250,000 pages of White House documents had by that point been produced to the Committees.

Nields stated that he understood this letter as assurance that the White House staff had not relied exclusively on the FBI search. Liman, for his part, stated that these "unequivocal representations by the White House" led the Senate staff not to pursue the matter any further. By this point, the Committees were well into the preparation of their final report.

Nields did pursue the matter, however, by narrowing his request to the review of 19 of the original 54 files. Responding to the request, Raul located the 19 files in the boxes of North's files and reviewed them. In fact, he identified some documents within the 19 files which had not been previously produced which he considered "marginally relevant" and sent them to the Committees. This occurred in late September, 1987, and was, according to the White House, the only time that White House staff reviewed files of any of the NSC staff principals while the Committees were in existence.

On October 20, 1987, Nields made a further request for copies of 15 documents contained in the "access only" file. By letter of October 22, 1987, Raul denied the request, saying that the documents continued to be available for Committee review at the OEOB. This appears to have been the last request made by the Committees to have documents produced by the White House.

The final report of the Committee was made public on November 17, 1987.

C. THE THIRD SEARCHES: JULY-OCTOBER 1988

North, Poindexter, Secord and Hakim were indicted by a federal grand jury on March 16, 1988, for certain criminal activities alleged to have taken place in the course of the Iran-Contra affair. There ensued a series of motions made to the Court by the defendants to require the production of certain documents. On May 23, 1988, the defendants filed an 88-page discovery motion which was supplemented by an 80-page classified supplementary discovery motion filed by defendants North and Poindexter, calling for the production of NSC documents on a variety of sensitive topics.

On June 8, the presiding judge, Gerhard Gesell, granted the motions of defendants North, Poindexter, and Hakim to be given separate trials.

In July, as part of the continuing North litigation, Judge Gesell issued two discovery orders which led to additional searches of NSC files. On July 8, 1988, Gesell ordered the Government to comply in part with defendant North's classified supplemental discovery request of May 23, 1988. This required the Government to produce all documents related to items 1–20 on North's classified list. On July 13, 1987, Gesell further ruled that defendant North was entitled to have copies of any relevant documents out of his old office (not simply what the Indpendent Counsel already had selected).

The effect of the July 8th order was to require a second complete search of all NSC records which had been searched during the "omnibus search" carried out in 1987. Teams of archivists and FBI agents returned to the White House to carry this out. The criteria for this search, however, focused upon the categories specified in the classified North discovery request. And on this occasion, archivists in addition to FBI agents participated in the searches of the "non-North" files which had been originally stored in Room 302.

The effect of the July 13th order was to give North and his attorneys the rights to inspect and copy all of the documents from his former office. Ultimately, 60 boxes of such files were selected and copied for North, with an additional copy provided the Independent Counsel.

These searches took several months to complete. According to the Independent Counsel, they produced roughly 15,000 pages of "new" material, a portion of which ultimately was produced at North's trial.

PART II. AN ANALYIS OF THE DOCUMENT AT ISSUE

In their letter to the Committee, dated April 25, 1989, Senators Mitchell, Inouye and Rudman identified six documents introduced during the North trial, four of which appeared not to have been transmitted to the congressional investigating committees, and two of which appeared to have been transmitted in a materially-different form.

As part of its review of this matter, SSCI staff also reviewed all other documents which had been released to the public during the North trial to ascertain if, in fact, additional documents may not have been transmitted to the Committees. This analysis produced one additional document relating to the same February, 1985 Honduran initiative which appears to have been provided to the Committees in a materially-different form and which is described below.

Thus, six of the seven documents identified relate to actions taken by and within the White House in the February-April, 1985 timeframe, with respect to possible approaches to the Honduran government to continue its assistance to the Nicaraguan resistance. The seventh document, dated October 30, 1985, relates to reconnaissance overflights of Nicaragua. Copies of each document are appended to this report. Where different versions of these documents were provided the Iran-Contra Committees, copies of these are also appended.

INITIAL OBSERVATIONS

The SSCI ascertained from White House represqntatives at the outset that there was no dispute that the seven documents would have been relevant to the investigation of the Iran-Contra Committees. Indeed, none of the former White House personnel involved in the document production process held the contrary review.

The SSCI also ascertained early on that only one of the seven documents at issue—the October 30, 1985 memorandum—appeared to have been produced to the Independent Counsel and not to the Committees during 1986–87, the period of the Committees' investigation. The remaining six were produced to the Independent Counsel in 1988 as a result of the two discovery searches performed during the North litigation (See p. 29, above). Hence, this matter did not (with the exceptin of one document) appear to be a matter of ascertaining why the Independent Counsel was given certain documents which had been denied the Committees.

It was also apparent that each of the six documents which came to light in 1988 related to the same general topic. Five of the six, in fact, related to a single series of White House "actions" taken in February, 1985, regarding increased or expedited U.S. assistance to Honduras. The sixth related to an April 25, 1985 telephone call by

the President to Honduran President Suazo reiterating U.S. support for the Nicaraguan resistance.

It was also clear from the markings on each of the six documents that they should have been entered into either the System II or System IV files of the NSC. From the information given to the SSCI, System IV files were searched four times during 1986–87, including a complete hand-search. System II was computer searched initially and portions were hand-searched. It thus appeared that none of these searches of institutional NSC files had identified, or resulted in the selection of, any of the six documents as relevant.

It was also apparent that a number of individual NSC staff members had been involved in the preparation and approval of these documents. All of the pertinent files of these current and former NSC officials were purportedly searched during the course of the Committees' investigations in 1987, yet none of the doucments at issue apparently had been surfaced by these searches. In particular, the files of the two principal NSC participants involved, North and McFarlane, had been hand-searched at least twice in 1986–87, yet none of these documents had been produced.

On their face, therefore, what was known about these six documents at the outset seemed to suggest a systematic, deliberate effort by unknown persons to prevent documents on this particular subject—the 1985 proposals for a *quid pro quo* to the Honduran government—from reaching the Committees or Independent Counsel.

A similar concern was raised by the apparent failure of the Committees to receive the October 30, 1985 memorandum. The unsigned note attached to this memorandum, apparently drafted by North, urged McFarlane to advise the President that certain intelligence was being provided the Nicaraguan resistance apparently as part of a U.S. delivery of two 106 mm. recoilless rifles provided by Honduras. This delivery would have occurred at a time when assistance of this type had been prohibited by law. Had this information in fact been conveyed to the President, as suggested, it would have implicated him in a way he had not been heretofore implicated. McFarlane had not been questioned on this issue by the Iran-Contra Committees.

Had persons at the White House deliberately withheld these documents from the Committees to spare the President and others from inquiry and embarrassment on these points? This was, in fact, the starting point and focus of the SSCI's review. Our findings and analysis with respect to the documents at issue follow.

DOCUMENTS RELATING TO HONDURAN ASSISTANCE TO THE NICARAGUAN RESISTANCE

As stated above, six of the seven documents relate to the same subject: continued Honduran assistance to the Nicaraguan resistance. The first five, in fact, reflect a series of deliberations within the NSC during February, 1985, with respect to a possible approach to the Honduran government to continue its assistance to the Nicaraguan resistance. The sixth is a document originated the following month recommending and reflecting a telephone call to the President of Honduras to reiterate Administration support for the re-

sistance and ask for Suazo's assistance in releasing ammunition belonging to the contras which was being held by Honduran military authorities.

The SSCI was solely charged with determining why these documents were not provided to the Iran-Contra Committees. Their significance and the interpretation of actions carried out pursuant to them must necessarily be left to individual Members and the general public. The Committee makes no judgment on this matter.

Taking each document *in chronological order*, they include:

(1) *A February 11, 1985 memorandum to Robert McFarlane from Oliver North and Raymond F. Burghardt transmitting a memorandum for McFarlane to send to Secretaries Shultz and Weinberger, Director of Central Intelligence Casey, and General Vessey, Chairman of the Joint Chiefs of Staff. The McFarlane memorandum is signed "Bud" and dated February 12, 1985.* (See Appendix C)

In their transmittal memo to McFarlane, North and Burghardt explain they are attaching a proposed memorandum to the four officials mentioned above, asking for their concurrence in the proposed presidential letter to Suazo and requesting their agreement to "a strategy for enticing the Hondurans to greater support for the Nicaraguan resistance," reflecting the agreement at a Crisis Planning Policy Group (CPPG) meeting on February 7, four days earlier. They cite the CPPG's agreement that "transmission of the [President's] letter should be closely followed by the visit of an emissary who will verbally brief the 'conditions' attached to the [additional U.S. support]." The memo contains a check mark beside the word "Approve."

In a routing slip which was attached to the memorandum to McFarlane, there is a note to "Bud" which reads, "We will need to decide who the Emissary will be. It should not be Motley—maybe Dick Walters. JP."

The memorandum of February 12 which McFarlane signed reiterates the proposal for a presidential letter and for an approach to the Honduran government "by a discreet emissary" which conveys the "incentives . . . for their continued support to those in jeopardy along the border," and asks for the concurrence of the addresses.

This document was noted as a System IV document with the designation "NS/ICS-402000 Follow-on," denoting it was a follow-on action in a previously established System IV file.

White House and Committe records reflect that different versions of both the February 11 and February 12 memos were delivered to the Committees as part of the original document transmittal. (See Appendix C) The routing slip with the note from "JP" to "Bud" was not attached. In addition, the February 11 memorandum did not have a check in the space marked "Approve;" and the February 12th memorandum was undated and unsigned, as opposed to the version released during the North trial. White House records indicate that the version of these documents, provided the Committees, was pulled out of the safe in North's office on December 12, 1986, by an FBI agent.

The more complete versions of the February 11 and February 12 memos were first made available to the Independent Counsel during the North discovery process. Copies came from two separate

locations. One copy was found in a North file entitled "Honduran Support to the Nic. Resistance." The title of this file was listed on the inventory of files provided the Committees on June 9, 1987. A recent re-examination of this file by Committee staff disclosed that copies of the February 11 and 12, 1985 memoranda which remained in the file did not have tabs or notations by the FBI, indicating they had not been pulled in the earlier searches. The file was contained in a cardboard box which carried notations indicating it had previously been opened on April 2–3, 1987, and the initials of the FBI agents who had opened it. There were no notations indicating the box had been opened during 1986–87 other than by FBI agents.

A second copy of these same memoranda was also produced to the Independent Counsel as a result of the 1988 discovery search of NSC records, produced from a file labeled "Brian Merchant Strays Box 1 of 1." Brian Merchant was the NSC "system administrator" responsible for the maintenance of System IV files. This box was apparently used to store "stray" copies of miscellaneous documents which were coming in to the central search location from NSC staff offices in accordance with the "omnibus search" instructions in March-May, 1987. All such boxes were searched by the archivists and potentially relevant documents were reviewed by FBI agents as part of the "omnibus search."

According to the FBI agents, a copy of the February 11 memorandum (it is unclear in what form) was also placed in the "borderline documents" safe maintained by the FBI during the "omnibus search" of March-June, 1987, where it remained until the discovery searches done the following year.

(2) *A February 19, 1985 memorandum to President Reagan from then National Security Advisor Robert McFarlane,* with attachments, and notations, concerning a proposed letter to then Honduran President Roberto Suazo Cordova in which Reagan stated he hoped Suazo would "continue to do all in [his] power to support those who struggle for freedom and democracy. I look forward to an opportunity to discuss our mutual commitment to liberty in Central America during your visit to Washington in May." (See Appendix D)

The McFarlane memorandum also proposed to the President that he approve the release of certain U.S. economic assistance funds which had been "frozen" by the United States, expediting the delivery of certain military equipment under the security assistance program, and the enhancement of an existing CIA covert assistance program. Moreover, the memorandum recommended that the U.S. send "an emissary" to Honduras who could "very privately explain our criteria for the expedited economic support, security assistance deliveries, and enhanced CIA suport."

The President's initials, approving both the letter to Suazo and the proposed steps to be taken with respect to the increases in U.S. assistance, appear in the approval lines on the memo. According to a System II profile sheet in the file showing the status of the action, a copy of the approved memorandum also went to "VP", presumably referring to Vice President Bush.

Appended to the top of the document acted upon by the President (which appears to be instructions for the implementation of the memorandum) is an unsigned note reading, "I think it is OK

for Amb to deliver msg but I think we *need* additional TPs [talking points] to make conditionally pts."

The attachments to the memorandum show that it was prepared by Oliver L. North and Raymond F. Burghardt in response to a State Department proposal received on February 14, 1985. In addition to the proposed memorandum from McFarlane to the President, the authors provided an alternative response for McFarlane to send to the Secretary of State if he should choose (see document (3), below) to use alternative tactics. In any case, their proposal was transmitted to McFarlane by memo of February 15, 1989. McFarlane initialed the memorandum to the President on the same date after review by Poindexter, Kimmitt and Bob Pearson, another NSC staff member.

According to the markings on the memorandum in question, this document was filed in NSC System II file 90166. During the keyboard search of System II, a data retrieval sheet, indicating a document of possible relevance, was, in fact, produced. It was annotated, however, with an unattributed handwritten comment that the document could not be located. A recent examination of the box in which this file was stored at the Reagan presidential library in California, on the other hand, contained a check-out sheet indicating that the file had been pulled on April 24, 1987 for the Independent Counsel investigation. It is clear, however, that the Indpendent Counsel did not receive the approval version of this memorandum during this time period.

In any case, the records of the Iran-Contra Committees do not reflect receipt of a signed copy of this memorandum, and key staff do not recall seeing it. However, White House records showed, and a search of the Senate Committee's files confirmed, that an undated, unsigned draft of what came to be the February 19, 1985 memorandum addressed to and initialed by the President was delivered to the Committee as an attachment to the February 15, 1985 memorandum referred to above. (See Appendix D) It refers to each of the elements of the approach to the Hondurans and proposed they be conveyed through a special emissary. The most conspicuous difference between this draft and that approved later by the President (other than the indication of presidential approval itself) is the inclusion of a paragraph in the draft which says that the State Department had changed its earlier position and now believed "there is no necessity for explicitly linking the expedited release of assistance to Honduran cooperation, with the Nicaraguan resistance. State therefore preferred that the letter be handled only by Ambassador Negroponte, that no freedom fighter issues be raised, and that no special emissary be dispatched."

The signed copy of the February 19, 1985 memorandum was produced for the first time to the Independent Counsel twice in the course of the discovery searches done in the summer of 1988. Again, a copy came from both the search of North's office files and the additional search of NSC files.

The copy that came for North's office was located in a file titled "February, 1985 Chron." This file was also one of the files listed on the inventory of Room 302 files provided on June 9, 1987. A recent re-examination of this file by SSCI staff disclosed that the signed copy of the February 19, 1985 memorandum was stapled behind a

copy of two memoranda dated February 20 and 22, 1985 (see documents 3 and 4 below). None of these memoranda had been tabbed or had notations on them indicating they had been pulled by the FBI in the course of earlier file searches. The box in which the document was found contained markings that it had been reviewed by FBI agents on December 4, 1986 and again on April 2, 1987. There were no indications on the box that it had been reviewed by anyone other than FBI agents during the 1986–87 time period. A copy of all three memos was produced to the Indpendent Counsel as a result of the "bulk copying" of North's files done pursuant to the July 13 court order.

A second copy of the signed February 19 memorandum came from an NSC file designated "OLAA Chron Files June-Dec 1985 Sys II & IV Chrono," which was produced during the search of NSC files pursuant to the July 8 court order. White House representatives have identified the file in question as originating with the Latin American element of the NSC staff, provided during the course of the "omnibus search" in the spring of 1987.

As noted heretofore, the original of this document was ultimately found in May, 1989, at the Reagan presidental library in California in a separate 'heads of state" file maintained by an NSC records administrator as a "convenience" file to enable him to respond quickly to requests for previous correspondence and memoranda involving various heads of state. The memorandum in question was reportedly found stapled to originals of the February 20 and 22 memoranda in the same order as they were found in the file in North's office during the discovery searches of 1988.

According to White House representatives, it appears from an examination of the box in which this document was found that it had not been searched during previous searches of White House records. The explanation provided the SSCI for this omission was that the file was maintained apart from the institutional files (System II) by an NSC Records System Administrator, who made copies of the originals and placed them into the institutional files of the NSC. This Administrator thus assumed any relevant document in the "heads of state" file would be identified in the searches of the institutional files. The Records Administrator involved did not participate in the search done of System II, and was never asked to locate documents which could not be found in System II. The file itself was maintained in an office adjacent to the White House Situation Room, apart from other institutional NSC files. Thus, it appears this particular file was never searched during the "omnibus search" of White House records performed between March and June of 1987 or during the discovery searches of 1988.

(3) *A February 20, 1985 Memorandum from Oliver L. North and Raymond F. Burghardt to Robert McFarlane,* with a Poindexter note and attachments. This memorandum conveys to McFarlane a draft memorandum from the NSC to State Department incorporating talking points for Ambassador Negroponte to use when he delivered the President's letter to Suazo. (Appendix E) North and Burghardt suggested that Negroponte convey the talking points on assistance and conditionality when he delivered the President's letter. Further they reiterated the considerations which had led them pre-

viously to recommend that a "special emissary" be used to convey these points rather than Negroponte.

Appended to the North/Burghardt memo is what appears to be the proposed alternative (in lieu of the memo to the President of February 19, 1985) for McFarlane to send to the Secretary of State. It appears to have been modified by Kimmitt to convey the NSC's instructions on implementation. The language suggesting that a special emissary be designated is stricken and there is added direction from "Kimmitt" that the authors "add a requirement for talking points on increased assistance and conditionality."

In the memorandum prepared by North's and Burghardt for Kimmitt to send to the Department of State, the explicit talking points, in fact, were added to the text of the memorandum and the proposed cable covering the increased U.S. assistance and "conditionality."

Poindexter, however, when reviewing the document (presumably-prior to its reaching McFarlane and notwithstanding the President approval of such a course of action the previous day), appears to have decided to drop the language on "conditionality" both from the text of the memo going to State transmitting the President's letter to Suazo as well as from the proposed cable to negroponte. The langauge is stricken in both places with the marginal notes from "JP": "Go back to State's original talking points. Add that we want VP to also discuss this matter with Suazo."

This document was also identified as a System II document under file 90166.

Neither White House records nor Committee records show that this document was delivered to the Committees. It was first produced to the Independent Counsel in the summer of 1988 as part of the bulk copying of files in North's office. It was found in a file designated "February, 1985 Chron," and had the signed copy of the February 19, 1985 memorandum and a copy of the February 22, 1985 memorandum (See below) stapled to it. (See the description of document 2, above.) It did not come to the Independent Counsel as a result of any other file search.

As stated above, the original or this memorandum was located in May, 1989, at the Reagan presidential library stapled together with the originals of the February 19th and 22nd memoranda.

(4) *A February 22, 1985 Memorandum for Robert C. McFarlane from Raymond F. Burghardt,* asking for approval of a Kimmitt to State Department memo conveying the presidential letter to Suazo and for authorization to take it to Ambassador Negroponte for passing to Suazo. (Appendix F) The text of the Kimmitt to State memorandum is not attached, but Burghardt notes it is consistent with Poindexter's instructions that the memo reflect State's originally proposed talking points. The approve/disapprove blanks are not checked.

The document is marked as a "System II 90166 Add-on," denoting that it is being added to a previously-established System II file.

Neither the records of the Committees or those of the White House reflect delivery of this particular document to the Committees. The Independent Counsel first obtained this document as a result of the bulk copying of North's office files accomplished in the summer of 1988. As noted above, it was found in a file in

North's office labeled "February, 1985 chron" and was stapled to a copy of the February 20, 1985 memorandum referred to above. The box in which the memorandum was found had notations indicating it had been opened on three occasions by FBI agents, but there were no notations on the document indicating that it had previously been selected by the FBI as relevant. It was not produced to the Independent Counsel from any other NSC file.

As noted heretofore, the original of this memorandum was recently found in a file at the Reagan presidential library, stapled together with the originals of the February 19 and 20 memoranda.

(5) *A February 27, 1985 Memorandum for Shultz, Weinberger, Casey and Vessey from Robert C. McFarlane,* implementing the President's "intent" to expedite certain forms of U.S. assistance to Honduras by directing that appropriate actions, outlined in the McFarlane memorandum of February 19, 1985 (see document 2, above), be taken by the addressees. The document was signed by McFarlane. (See Appendix G)

According to White House and Committee records, the Committees did not receive the signed and dated copy of this memorandum, but received a copy of an earlier draft which was not signed. (See Appendix G) This came in the form of an enclosure to a North to McFarlane memorandum dated February 25, 1985, on the same subject. The draft version contained a sentence relating to CIA assistance that did not appear in the signed version.

The signed version of the February 27, 1985 memorandum was first produced as a result of the discovery searches of North's office in the summer of 1988. It was located in a file marked "Honduras," one of the files previously listed on the inventory provided the Committees. Recent inspection by White House representatives did not disclose any tabs or notations indicating this document had been produced as a result of the searches which occurred in 1986–1987.

(6) *An April 25, 1985 memorandum, presumably for the President, from Robert C. McFarlane,* recommending a telephone call from the President to Suazo to reassure him, in light of the House vote the previous day against a $14-million aid package for the contras, of the Administration's continued commitment to maintaining pressure on the Sandinistas and asking Suazo's help in obtaining the release of a shipment of ammunition for the contras which had been detained by the Honduran military. At the end of the memo, in a section marked "Action," there is a handwritten note, presumably written by the President, summarizing his conversation with Suazo. (See Appendix H)

The memorandum was initialed by McFarlane and had a typewritten line "cc Vice President."

The document was designated as a System II document file number 90447.

According to White House and Committee records, the Committees received a different version of this memorandum on May 19, 1987 (See Appendix H). It was apparently an earlier draft which was undated (at the top) and was not initialed by McFarlane. It did not contain the typewritten line "cc Vice President," nor did it show the handwritten note of the President. It should be recognized, however, that, notwithstanding the failure to receive the

final version of the memorandum with presidential notations, the Committees were advised that the recommended telephone call had, in fact, been made, and that the President had requested Suazo's help in obtaining a release of the ammunition. This conversation was also reflected in the excerpts of the presidential diary entries reviewed by senior staff of the Committees.

The Independent Counsel initially received the same version as the Committees. The more complete version described above was produced as part of the North discovery searches in the summer of 1988. This document came from an NSC file marked "McFarlane chron," which was part of the Room 302 files (but not those belonging to North). The box in which the memorandum was located had notations indicating it had been opened on three occasions in 1987 by FBI agents, but the memorandum itself had no notations indicating it had been pulled as relevant. The file in question had also been identified on the inventory of Room 302 files identified to the Committees on June 9, 1987.

DOCUMENT RELATING TO RECONNAISSANCE OVERFLIGHTS

The seventh document at issue related to a later time period and a different subject. Dated October 30, 1985, this was a memorandum from North to McFarlane asking him to discuss with the President and seek his approval for special reconnaissance overflights of Nicaragua by U.S. aircraft. (Appendix I) In the "approve" line, there appear the initials "JP" and a notation "President approved." Attached to the memo is a note typed on what appears to be a National Security Council note pad, apparently from North to McFarlane, encouraging McFarlane also to tell the President that "we intend to air-drop this intelligence (from the reconnaissance flights) to two Resistance units . . . along with two Honduran provided 106 recoilless rifles to sink one or both of the arms carriers which show up in the photograph. . ."

The document carried a notation as a System IV document with file number NSC/ICS-401276.

This document had a notation on its cover sheet indicating it was pulled by the FBI from the North office files on March 31, 1987. The document together with the accompanying note was, in fact, produced to the Independent Counsel early in the investigation. A second copy was produced as a result of the bulk copying of North office files in the summer of 1988.

The records of the Iran-Contra Committees do not reflect receipt of this document or the attached note, nor do key staff recall it. White House records do, however, show that both the document (one page of which had redactions) and attached note were listed as part of a series of documents provided the Committees by letter transmital of April 24, 1987. White House staff produced a receipt signed by the Senate security director taking possession of the files in question.

According to the White House representatives involved in preparing the transmittal memoranda, the lists of documents being transmitted were compiled during this period by two military support personnel, one who was an attorney and another who was an administrative specialist. The stacks of copies put aside for

each Committee, reproduced with White House Counsel tracking sheets, were gone through by these military personnel. After pulling off the tracking sheets, one would read off the White House number on the document and place the document into the box; the other would record the number on an inventory sheet. Once a box was completed, it would be sealed for delivery by the same individuals. The inventory sheet would then be used to formulate the list of documents attached to each transmittal letter to the Committees. The tracking sheets were kept as a double-check on the documents that had been produced.

As far as the Senate Committee procedures were concerned, each document received by the Committee was given a new Committee number which indicated its origin, was logged into its computerized system at the time it was received, and was placed into a chronological file of documents from a given source. For example, all documents received from the NSC were assigned a number beginning with the letter N. The first such document was assigned number N1; the next document, N2, etc. Depending upon their size, the documents would be placed in files labled N1–N4, etc., and the date they had been received from the White House would be annotated on the file cover.

Thus, all of the documents with an "N" number which had been received on April 24, 1987, were readily identifiable. The October 30, 1985 memorandum was not among them. In comparing those in the Committee's files with those listed on the attachment to the April 24 transmittal letter, moreover, a number of additional discrepancies were evident. There were, in fact, a total of 242 numbers on the list representing a document or documents being transmitted. A comparison of these numbers against those entered into the Committee's files on that date shows a total of 24 documents listed in the White House letter which were not among those received by the Committees on April 24, 1987. Of these, 16 were ultimately determined to have been placed in the access only file. Of the remaining eight, two had previously been provided the Committees under a different number. Six of the numbers—all encompassed in the same line from the transmittal list—could not be located at all in the Committee's files. Among them was the October 30, 1985 memorandum. (The SSCI examined the five additional documents in the same line which were not provided to the Committees, and found all to have been unclassified memoranda relating to pending legislation.)

All of this suggests that at a minimum, there was a problem with this particular shipment of documents. Clearly, the fact that documents identified by 16 numbers on the transmittal list were not included in the box is not consistent with the manner in which White House documents were normally packed and shipped to the Committees. Determinations to place documents in the "access only" file were ordinarily made by White House Counsel prior to their being copied and packed for the Committees. The fact that a transmittal list showing the documents was prepared suggests that the determination to place a number of the documents into the "access only" file was made after the documents had been prepared for delivery. It also casts doubts upon the reliability of the April 24 transmittal list in general.

The Senate Committee did not routinely confirm that all documents listed in White House transmittal letters were, in fact, in the box that was signed for and, in this case, no question was apparently raised with regard to the missing documents. (This flaw in the Senate procedures came about primarily because initial shipments from the Executive branch did not come with transmittal lists to check against. When such lists began to be provided, the Senate Committee did not itself routinely check against them. Documents received were simply entered into the system.)

In addition, White House records showed that the page of the document which contained reactions in the version provided the Committees was placed in unreacted form in the "access only" file, and was read by Senate staff. This is, in fact, confirmed by the notes made by the reviewing staffer. The file did *not*, however, contain the note attached to the memorandum.

White House records also show that a second copy of the memorandum in question *without* the attached note was produced as a result of a System IV file search in the summer of 1987. This version of the document was placed in the "access only" file in its entirety. White House records reflect it was read by a member of the House Committee staff in September 1987.

Finally, it appears that the memorandum was one of the System IV documents examined on July 23, 1987, for possible forgery by House Committee staffers and a professional document examiner (see summary above). They did not have a copy of the document itself, however, to use in this examination, but rather confined their inspection to the watermarks and stationery on which the document was typed. In any case, the document examiner's notes, in fact, do not reflect that the note was part of the document that was examined.

APPENDIX A

GEORGE J. MITCHELL
- MAINE

S-17

United States Senate
Office of the Majority Leader
Washington, DC 20510-7010

April 25, 1989

Senator David L. Boren
Chairman, Select Committee
on Intelligence
U.S. Senate
Washington, D.C.

Senator William S. Cohen
Vice Chairman, Select
Committee on Intelligence
U.S. Senate
Washington, D.C.

Dear Mr. Chairman and Mr. Vice Chairman:

In recent weeks a number of documents, introduced as evidence in the case of U.S. v. North, have been made public by order of the Court.

It appears that at least four of these documents may not have been provided to the U.S. Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition (hereinafter referred to as the Iran-Contra Committee) during its investigation and hearings into the Iran-contra affair.

These documents include:

1. A February 19, 1985 memorandum to President Reagan from then National Security Advisor Robert McFarlane concerning a proposed letter to then President Roberto Suazo Cordova of Honduras, apparently approved by President Reagan. This document is attached hereto as Exhibit A.

2. A February 20, 1985 memorandum to Robert McFarlane from Oliver North and Raymond Burghardt, with attachments, and a notation from Admiral John Poindexter. This document is attached hereto as Exhibit B.

3. An October 30, 1985 memorandum to Robert McFarlane from Oliver North, bearing a notation by John Poindexter indicating the President's approval, concerning reconnaissance overflights of Nicaragua, with attachments concerning the air-drop of recoilless rifles to the Nicaraguan resistance. This document is attached hereto as Exhibit C.

4. A February 22, 1985 memorandum to Robert McFarlane from Raymond Burghardt seeking authorization to handcarry a Presidential letter to Ambassador Negroponte, to be passed on to President Suazo. This document is attached hereto as Exhibit D.

It also appears that at least two other documents may have been provided to the Committee in a form different from those made public by order of the Court.

These documents include:

1. A February 11, 1985 memorandum to Robert McFarlane from Oliver North and Raymond Burghardt regarding a special emissary to Honduras to verbally brief President Suazo on "conditions" for expedited assistance. This document, in the form made public by order of the Court, is attached hereto as Exhibit E.

A version of this document exists in the Iran-Contra Committee files (identification number N6982). It appears to be identical to the document made public by order of the Court (Bates number ALU0086481), with three exceptions. One difference is that the version of the document made public by order of the Court has a National Security Council routing cover sheet attached, with a handwritten notation appearing to be from Admiral Poindexter to Robert McFarlane which reads, "Bud, We will need to decided who the

Emisarry will be. It should not be Motley-maybe Dick Walters. JP". The version of the document in the Iran-Contra Committee files has no such cover sheet attached. A second difference is that the document made public by order of the Court contains a handwritten check mark on the "Approve" line on page two of the document. This handwritten check mark does not appear on the version of the document which is in the Iran-Contra Committee files. A third difference is in an attachment to the document. The attachment is a memorandum to Secretaries Shultz and Weinberger, Director Casey and General Vessey, describing an agreement that "expedited military deliveries, economic funding, and enhanced CIA activities should be offered privately as an incentive to the Hondurans for their continued support to those in jeopardy along the border. Obviously this part of the message should not be contained in a written document, but rather delivered verbally by a discreet emissary." The version of the document made public by order of the Court is dated February 12, 1985 and signed by Robert McFarlane. The version of the document which is in the Iran-Contra Committee files is undated and unsigned.

2. An April 25, 1985 memorandum from Robert McFarlane recommending a telephone call from President Reagan to President Suazo. This document, in the form made public by order of the Court, is attached hereto as Exhibit F.

A version of this document exists in the Iran-Contra Committee files (identification number N40220). It appears to be identical to the document made public by order of the Court (Bates number ALU0097413), with two exceptions. One difference is that on page two of the document made public by order of the Court there are what appear to be

President Reagan's handwritten notations made during or after his telephone conversation with President Suazo. These notations do not appear on the version of the document which is in the Iran-Contra Committee's files. A second difference is that on page one of the document made public by order of the Court, there are the typewritten words "cc Vice President" and what appear to be McFarlane's initials "RCM". These notations do not appear on the version of the document which is in the Iran-Contra Committee files.

The version of these two documents now in the Iran-Contra Committee files were not made public by that Committee during its investigation and thus were not declassified. Since they remain classified they cannot at this time be made public. They are in the possession and control of your committee and we encourage you to arrange for their declassification and release as soon as possible.

The discrepancies between the documents provided to the Iran-Contra Committee and those made public by order of the Court, represented by these six documents, were uncovered in a brief staff inquiry. We have no way of knowing whether there are other documents which were not provided to the Committee or were provided in a form different from those made public by order of the Court. We have no way of knowing whether there are other documents which were not provided to the Committee or were provided in a form different from those provided to the parties in the pending case, but not made public by order of the Court. We also have no way of knowing whether there are still other documents which were not provided to the Committee or to the parties to the pending case.

These six documents are sufficient to raise questions about the procedures followed by the executive branch in providing documents to the Iran-contra Committee and the completeness of its compliance with agreements on the provision of documents.

Moreover, some of these documents bear on the conduct of U.S. foreign policy in Central America during the period between February, 1985 and October, 1985, and raise questions

regarding the activities of government officials in possible efforts to circumvent the provisions of the law.

We are writing to request that the Senate Select Committee on Intelligence conduct an immediate review to determine whether any documents were not provided to the Iran-Contra Committee, or were provided in a form different from other versions of those documents; the identity of such documents, if any; and the circumstances under which such documents, if any, were not provided or were provided in a different form. We urge that all relevant participants be required to appear before the Committee, under oath if necessary. Upon the completion of your review, a full report should be made to the Senate.

Sincerely,

George J. Mitchell Daniel K. Inouye Warren Rudman

APPENDIX B

DAVID L. BOREN, OKLAHOMA, CHAIRMAN
WILLIAM S. COHEN, MAINE, VICE CHAIRMAN
SAM NUNN, GEORGIA
ERNEST F. HOLLINGS, SOUTH CAROLINA
BILL BRADLEY, NEW JERSEY
ALAN CRANSTON, CALIFORNIA
DENNIS DECONCINI, ARIZONA
HOWARD M. METZENBAUM, OHIO
JOHN H. GLENN, JR., OHIO
ORRIN HATCH, UTAH
FRANK MURKOWSKI, ALASKA
ARLEN SPECTER, PENNSYLVANIA
JOHN WARNER, VIRGINIA
ALFONSE M. D'AMATO, NEW YORK
JOHN C. DANFORTH, MISSOURI
GEORGE MITCHELL, MAINE, EX OFFICIO
ROBERT DOLE, KANSAS, EX OFFICIO
GEORGE J. TENET, STAFF DIRECTOR
JAMES H. DYKSTRA, MINORITY STAFF DIRECTOR
L. BRITT SNIDER, GENERAL COUNSEL
KATHLEEN P. McGHEE, CHIEF CLERK

United States Senate
SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

#89-1602

April 27, 1989

Honorable George J. Mitchell
Majority Leader
U.S. Senate
Washington, D.C. 20510

Dear Mr. Majority Leader:

We are in receipt of your letter of April 25, 1989, requesting that the Select Committee on Intelligence (SSCI) review whether certain documents relating to the Iran-Contra affair may have been improperly withheld from, or may have been provided in a materially different form to, the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition (the Iran-Contra Committee).

We share your belief, and that of Senators Inouye and Rudman, that Congress must determine from papers filed with the Court, whether and, if so, to what extent, the Executive branch failed to provide documents pertinent to the Iran-Contra inquiry conducted during the 100th Congress.

Therefore, in accordance with your request, the SSCI will undertake such a review immediately. It is our intent to begin with the documents which were released to the public during the course of the North trial, including the six documents identified in your letter. We will attempt to identify those documents which may not have been provided to the Iran-Contra Comittee, or which may have been provided in a materially-different form, and will attempt to find out how and why this may have occurred. This review will be directed at the staff level by SSCI General Counsel L. Britt Snider, who, as you know, participated in the work of the Iran Contra Committee.

After we have completed this review and analysis, we will provide the results to you, as well as to Senators Inouye and Rudman. With this information, we will be able to determine how best to proceed on this important matter.

We believe that we share with you the ultimate goal of

providing to the Senate as a whole an explanation of this matter. We intend to proceed in a businesslike and non-partisan fashion. If you have any questions or comments regarding this approach, please let us know.

Sincerely,

David L. Boren
Chairman

William S. Cohen
Vice Chairman

APPENDIX C

	Name and Address	Da
1	Robert McFarlane	
2		
3		
4		
5		
6		

DX-54

51

X	ACTION		FILE
	APPROVAL		INFORMATION
	COMMENT		PREPARE REPLY
	CONCURRENCE		RECOMMENDATION
	DIRECT REPLY		RETURN
	DISPATCH		SIGNATURE

REMARKS

cc: Oliver North (#2 and 3)
Raymond Burghardt (#4)
James Radzimski (#5)

SECRET

SECRET

NSC/ICS CONTROL NO. 402000 Follow-

COPY NO. _____ OF _____

HANDLE VIA SYSTEM IV CHANNEL ONL

NSC INTELLIGENCE DOCUMENT

Warning Notice
Intelligence Sources and Methods Involved
NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

SECRET

SECRET

ALU0086479

National Security Council
The White House

System # IV
Package # 402000

1575

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Pearson			
Bob Kimmitt	1	K	A
John Poindexter	3	J	
Paul Thompson			
Wilma Hall	4		
Bud McFarlane	5		A
Bob Kimmitt	6	Call cleared and try to get response back today.	
NSC Secretariat			
Situation Room			
Rosie	2	[illegible]	Consultations Today I and A

I = Information A = Action R = Retain D = Dispatch N = No further Action

cc: VP Meese Baker Deaver Other

COMMENTS Should be seen by: ASAP
(Date/Time)

Bud,
We will need to decide who the Emissary will be. It should not be Kissinger - maybe Dick Walters.
JP

[redacted]
Bud wants to see this as soon as possible.

ALU0086430

SECRET

MEMORANDUM

NATIONAL SECURITY COUNCIL

SYSTEM II
NSC/ICS-40[illegible]
Follow-on

February 11, 1985

SECRET

ACTION

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH
RAYMOND F. BURGHARDT

SUBJECT: Approach to the Hondurans regarding the Nicaraguan Resistance

Attached at Tab I is a memo from you to Secretaries Shultz and Weinberger, Director Casey, and General Vessey asking their concurrence in a revised Presidential letter to President Suazo of Honduras (Tab A). Your memo also requests their agreement in a strategy for enticing the Hondurans to greater support for the Nicaraguan resistance.

Since the CPPG met on Thursday, February 7, the original letter has undergone significant revision. State had proposed changes (Tab II) which would link the letter to our on-going dialogue with Honduras. Since the Hondurans tend to view all issues in the context of that dialogue, we removed the reference to our continued discussions on the security relationship. Without referring directly to the freedom fighters and what we asking of them, we also re-inserted reference to continued support for "those who struggle for freedom and democracy." Moreau, Armitage, and Michel have agreed to the version of the letter at Tab A.

The CPPG principals also agreed that we should include several other enticements to the Hondurans for their continued support to the resistance. Such support will be increasingly more difficult for them as the build-up across their border progresses. The DIA now anticipates (Tab III) that as many as 60,000 Sandinista troops will be involved in the attack against the resistance. Given this threat to Honduras, Defense has prepared a list of military items on order by Honduras for which we can expedite delivery (Tab IV). The CIA is also prepared to enhance its covert support to Honduras [redacted]

SECRET
Declassify: OADR

SECRET

ALU0036481

SECRET

The only incentive on which we have not yet reached agreement is the quantity and timing of a release on currently withheld ESF assistance to Honduras. We have proposed a release of up to $75M from the $174M currently embargoed awaiting Honduran tax and monetary reform. We believe that it will be nearly impossible for the Hondurans to agree to many of these measures prior to their November elections. We, therefore, have proposed a phased release of a portion of ESF to coincide with the visit of an emissary (next week), the Vice President's stop in Honduras (March 14), and President Suazo's May visit to Washington. Your memo (Tab I) encourages the prompt resolution of this matter.

The CPPG was in agreement that transmission of the letter (Tab A) should be closely followed by the visit of an emissary who will verbally brief the "conditions" attached to the expedited deliveries, ESF, and enhanced CIA support. For obvious reasons, we would not wish to include this detail in any written correspondence. It should be noted that on the last trip (January 30-31), the Hondurans agreed to--and implemented--four out of the five requests regarding the resistance.

RECOMMENDATION

That you sign and transmit the memo at Tab I with Tab A attached.

Approve ✓ Disapprove ____

Attachments
Tab I - McFarlane Memo to Shultz/Weinberger/Casey/Vessey
Tab A - Presidential letter to President Suazo
Tab II - State Department Input
Tab III - Excerpt from DIA Brief to CJCS dtd Feb 11, 1985
Tab IV - Defense List of Items for Expedited Delivery to Honduras

ALU0086402

SECRET

SECRET

THE WHITE HOUSE

WASHINGTON

SYSTEM II
NSC/ICS-4[illegible]
Follow-on

SECRET

February 12, 1985

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

THE HONORABLE CASPAR W. WEINBERGER
The Secretary of Defense

THE HONORABLE WILLIAM J. CASEY
The Director of Central Intelligence

GENERAL JOHN W. VESSEY, JR.
Chairman, Joint Chiefs of Staff

SUBJECT: Approach to the Hondurans regarding Nicaraguan Military Build-up (S)

At the February 7, CPPG meeting, it was agreed that the significant military build-up on the Honduran/Nicaraguan border poses a considerable threat to those engaged in an effort to achieve democracy in Nicaragua. The group concurred in an approach to the Hondurans which includes the following elements:

-- a letter from President Reagan to President Suazo indicating our commitment to continued support for the Nicaraguan resistance and to the defense of Honduran sovereignty;

-- expedited deliveries of security assistance items which the Hondurans have ordered from the U.S.;

-- release of some portion of U.S. economic assistance funds which have, up to now, been withheld pending Honduran agreement to certain internal reforms, and;

-- increased support from the CIA on several projects being conducted by the Agency in Honduras [illegible]

The CPPG recommended that the expedited military deliveries, economic funding, and enhanced CIA activities should be offered privately as an incentive to the Hondurans for their continued support to those in jeopardy along the border. Obviously this part of the message should not be contained in a written document, but rather delivered verbally by a discreet emissary. (S)

SECRET
Declassify: OADR

SECRET

ALU0086434

SECRET

At this point, the text of the letter at Tab A has been agreed to by the CPPG principals. Defense has prepared a list of those security assistance items for which delivery can be expedited. The CIA has also identified areas in which they can enhance their current support. I understand that a release of up to $75M in ESF is being considered. In this regard, it is well recognized that the Hondurans have not been as responsive as we would desire in their economic reforms. Nevertheless, our economic support prior to their elections should reflect the urgent situation which exists on the Honduran border and the recognition that our ESF is our most important leverage. (S)

If you agree, we will have the attached letter signed by the President and prepared for delivery via the Ambassador. Our emissary would then proceed to Tegucigalpa for a follow-on discussion with the Hondurans regarding our expectations along the border. (S)

Robert C. McFarlane

Attachment
Tab A - Presidential letter to President Suazo

SECRET

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

In my State of the Union message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under siege. I reaffirmed our deep conviction in support of the cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facets of our assistance to Central America.

The recent evidence of a growing concentration of Nicaraguan forces near your border and Nicaragua's record of past incursions give rise to serious concern. In view of this, I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during his visit to Honduras several weeks ago. Our commitment under existing treaties to the defense of Honduran sovereignty is clear. As we face the challenges ahead, we must continue to work together to achieve our common objectives of democracy, well-being, and security in your country and throughout Central America. I hope that your government will continue to do all in its power to support those who struggle for freedom and democracy. I look forward to an opportunity to discuss our mutual commitment to liberty in Central America during your visit to Washington in May.

His Excellency
Dr. Roberto Suazo Cordova
President of the Republic of Honduras
Tegucigalpa

SECRET

ALU0036[illegible]

United States Department of State

Washington, D.C. 20520 1064

February 8, 1985

SECRET/SENSITIVE

MEMORANDUM FOR MR. ROBERT C. MCFARLANE
THE WHITE HOUSE

SUBJECT: Honduran Support for Anti-Sandinistas

Attached is a draft letter from the President to President Suazo of Honduras, as agreed upon the February 7 CPPG meeting. Upon receipt of White House clearance, the Department proposes to forward the letter telegraphically to President Suazo via our Embassy at Tegucigalpa, with the signed original to follow.

Nicholas Platt
Executive Secretary

Attachment:

As stated.

SECRET/SENSITIVE
DECL: OADR

ALU0086439

PROPOSED LETTER FROM PRESIDENT REAGAN TO PRESIDENT SUAZO

Dear Mr. President:

In my State of the Union message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under seige. I reaffirmed our deep conviction in support of the cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facets of our assistance to Central America.

The recent evidence of a growing concentration of Nicaraguan forces near your border and Nicaragua's record of past incursions gives rise to serious concern. In view of this I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during his visit to Honduras several weeks ago. Our commitment under existing treaties to the defense of Honduran sovereignty is clear. As we face the challenges ahead, we must continue to work together to achieve our common objectives of democracy,

SECRET/SENSITIVE
DECL:OADR

ALU0086490

well-being, and security in your country and throughout Central America. I believe the dialogue on ways to continue our close cooperation and improve relations has been well launched. I look forward to further progress and an opportunity to continue this important dialogue during your visit to Washington later this spring.

Sincerely,

Ronald Reagan

SECRET/SENSITIVE

ALU0086491

ROUTING			
To	Name and Address	Date	Initials
1	Robert McFarlane		
2			
3			
4			
5			
6			

X	ACTION		FILE
	APPROVAL		INFORMATION
	COMMENT		PREPARE REPLY
	CONCURRENCE		RECOMMENDATION
	DIRECT REPLY		RETURN
	DISPATCH		SIGNATURE

REMARKS

cc: Oliver North (#2 and 3)
Raymond Burghardt (#4)
James Radzimski (#5)

~~SECRET~~

UNCLASSIFIED

NSC/ICS CONTROL NO 402000 Fc

COPY NO. _____ OF __

HANDLE VIA SYSTEM IV CHANNEL

VERSION Received by Committee

NSC INTELLIGENCE DOCUMENT

Partially Declassified/Released on 16 MAY 89
under provisions of E.O. 12356
by K. Johnson, National Security Council

Warning Notice
Intelligence Sources and Methods Involved
NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

UNCLASSIFIED

~~SECRET~~

BKD

~~SECRET~~ UNCLASSIFIED

MEMORANDUM

NATIONAL SECURITY COUNCIL

SYSTEM IV
NSC/ICS-40200
Follow-on

February 11, 1985

~~SECRET~~

ACTION

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH
RAYMOND F. BURGHARDT

SUBJECT: Approach to the Hondurans regarding the Nicaragu Resistance

Attached at Tab I is a memo from you to Secretaries Shultz and Weinberger, Director Casey, and General Vessey asking their concurrence in a revised Presidential letter to President Suazo of Honduras (Tab A). Your memo also requests their agreement i a strategy for enticing the Hondurans to greater support for th Nicaraguan resistance.

Since the CPPG met on Thursday, February 7, the original letter has undergone significant revision. State had proposed changes (Tab II) which would link the letter to our on-going dialogue with Honduras. Since the Hondurans tend to view all issues in the context of that dialogue, we removed the reference to our continued discussions on the security relationship. Without referring directly to the freedom fighters and what we asking o them, we also re-inserted reference to continued support for "those who struggle for freedom and democracy." Moreau, Armitage, and Michel have agreed to the version of the letter a Tab A.

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~~SECRET~~
Declassify: OADR UNCLASSIFIED

UNCLASSIFIED

SECRET

The only incentive on which we have not yet reached agreement is the quantity and timing of a release on currently withheld ESF assistance to Honduras. We have proposed a release of up to $75M from the $174M currently embargoed awaiting Honduran tax and monetary reform. We believe that it will be nearly impossible for the Hondurans to agree to many of these measures prior to their November elections. We, therefore, have proposed a phased release of a portion of ESF to coincide with the visit of an emissary (next week), the Vice President's stop in Honduras (March 14), and President Suazo's May visit to Washington. The memo (Tab I) encourages the prompt resolution of this matter.

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RECOMMENDATION

That you sign and transmit the memo at Tab I with Tab A attached

Approve _____ Disapprove _____

Attachments

Tab I - McFarlane Memo to Shultz/Weinberger/Casey/Vessey
Tab A - Presidential letter to President Suazo
Tab II - State Department Input
Tab III - Excerpt from DIA Brief to CJCS dtd Feb 11, 1985
Tab IV - Defense List of Items for Expedited Delivery to Honduras

SECRET

UNCLASSIFIED

~~SECRET~~
UNCLASSIFIED
THE WHITE HOUSE
WASHINGTON

SYSTEM IV
NSC/ICS-40200
Follow-on

~~SECRET~~

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

THE HONORABLE CASPAR W. WEINBERGER
The Secretary of Defense

THE HONORABLE WILLIAM J. CASEY
The Director of Central Intelligence

GENERAL JOHN W. VESSEY, JR.
Chairman, Joint Chiefs of Staff

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~~SECRET~~
Declassify: OADR

UNCLASSIFIED

UNCLASSIFIED

SECRET

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If you agree, we will have the attached letter signed by the President and prepared for delivery via the Ambassador. Our emissary would then proceed to Tegucigalpa for a follow-on discussion with the Hondurans regarding our expectations along the border. (S)

Attachment
Tab A - Presidential letter to President Suazo

SECRET

UNCLASSIFIED

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

In my State of the Union message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under seige. I reaffirmed our deep conviction in support of the cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facets of our assistance to Central America.

The recent evidence of a growing concentration of Nicaraguan forces near your border and Nicaragua's record of past incursions gives rise to serious concern. In view of this, I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during h visit to Honduras several weeks ago. Our commitm under existing treaties to the defense of Hondura sovereignty is clear. As we face the challenges ahead, we must continue to work together to achie our common objectives of democracy, well-being, a security in your country and throughout Central America. I hope that your government will contin to do all in its power to support those who struc for freedom and democracy. I look forward to an opportunity to discuss our mutual commitment to liberty in Central America during your visit to Washington in May.

His Excellency
Dr. Roberto Suazo Cordova
President of the Republic of Honduras
Tegucigalpa

UNCLASSIFIED

S/S:8503929

United States Department of State

Washington, D.C. 20520 1064

February 8, 1985

~~UNCLASSIFIED~~

MEMORANDUM FOR MR. ROBERT C. MCFARLANE
THE WHITE HOUSE

SUBJECT: Honduran Support for Anti-Sandinistas

Attached is a draft letter from the President to President Suazo of Honduras, as agreed upon the February 7 CPPG meeting. Upon receipt of White House clearance, the Department proposes to forward the letter telegraphically to President Suazo via our Embassy at Tegucigalpa, with the signed original to follow.

Nicholas Platt
Executive Secretary

Attachment:

As stated.

~~UNCLASSIFIED~~

UNCLASSIFIED

PROPOSED LETTER FROM PRESIDENT REAGAN TO PRESIDENT SUAZO

Dear Mr. President:

In my State of the Union message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under seige. I reaffirmed our deep conviction in support of the cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facets of our assistance to Central America.

The recent evidence of a growing concentration of Nicaraguan forces near your border and Nicaragua's record of past incursions gives rise to serious concern. In view of this I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during his visit to Honduras several weeks ago. Our commitment under existing treaties to the defense of Honduran sovereignty is clear. As we face the challenges ahead, we must continue to work together to achieve our common objectives of democracy,

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DECL:OADR

UNCLASSIFIED

well-being, and security in your country and throughout Central America. I believe the dialogue on ways to continue our close cooperation and improve relations has been well launched. I look forward to further progress and an opportunity to continue this important dialogue during your visit to Washington later this spring.

Sincerely,

Ronald Reagan

UNCLASSIFIED

~~SECRET/ORCON~~ UNCLASSIFIED 11 FEB 85
PAGE 1

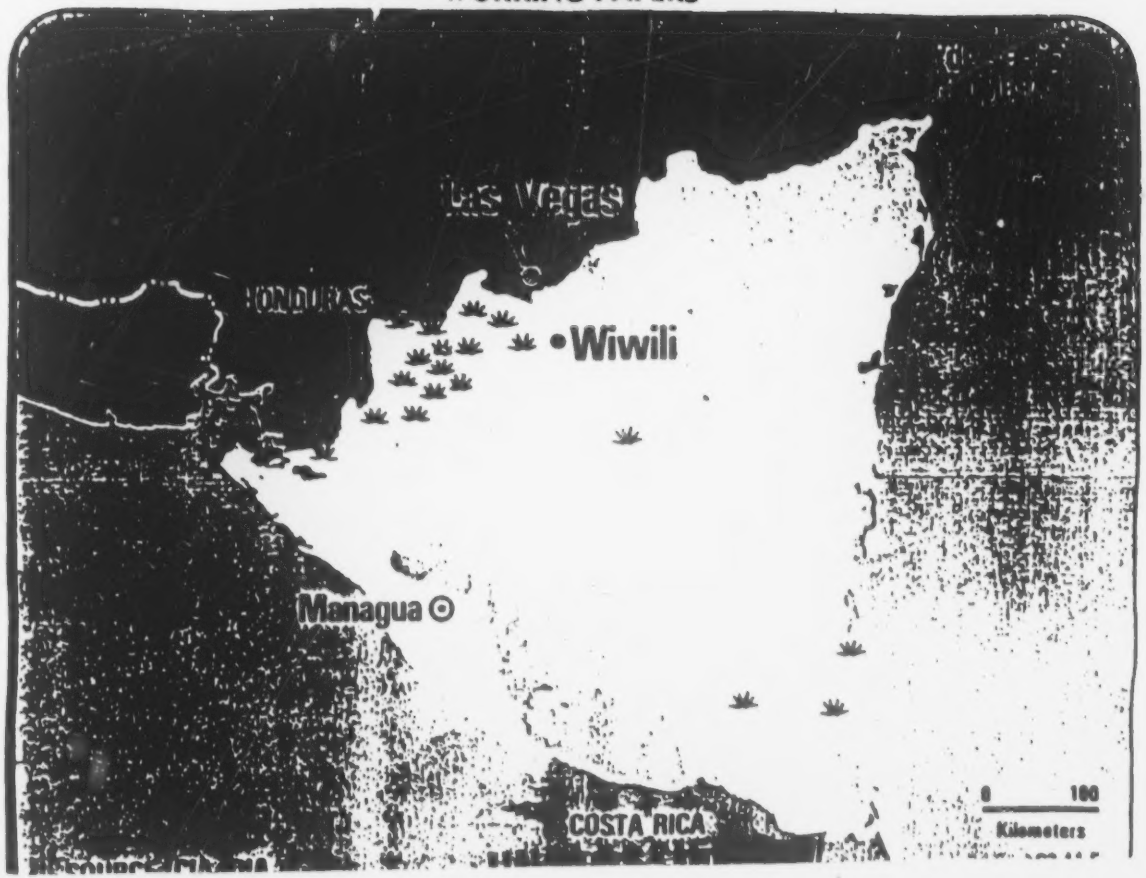
NICARAGUA: UPDATE ~~[ORCON]~~

[(MAP) IN NICARAGUA, DURING LATE JANUARY, BOTH THE SANDINISTA ARMY AND FDN INSURGENTS CONCENTRATED ON RESUPPLY EFFORTS AS THE FIGHTING TEMPORARILY SLOWED AND COMBAT ACTIVITY SHIFTED WESTWARD.

[ ]
~~ORCON~~

*****CONT*****

UNCLASSIFIED [redacted]


Las Vegas
HONDURAS
Wiwili
Managua
COSTA RICA
0
100
Kilometers

UNCLASSIFIED [redacted]

NICARAGUA: UPDATE [redacted]

[REGARDING THE INSURGENTS, THEIR CURRENT STRENGTHS ARE SHOWN HERE (BB). NEITHER THE FRS NOR THE TWO INDIAN GROUPS [redacted] POSE ANY SIGNIFICANT THREAT TO THE REGIME. IN THAT REGARD, THE FRS' LOST THEIR ONLY HELICOPTER LAST WEEK, FURTHER DIMINISHING ITS CAPABILITIES AND PRESENCE IN THE SOUTH.

WITH REGARDS TO THE FDN, APPROXIMATELY 5,000 - 6,000 FDN INSURGENTS REMAIN IN HONDURAS FOR RESUPPLY ACTIVITY, BUT HAVE REPORTEDLY MOVED CLOSER TO THE BORDER IN PREPARATION FOR RE-ENTRY INTO NICARAGUA. [redacted] AT A RECENT CONFERENCE, FDN LEADERS REPORTEDLY STATED THEIR LONG-TERM CONCERN WAS SECURING A STEADY SOURCE OF SUPPLIES AND INSURING THEIR DISTRIBUTION. AT PRESENT, FDN AIR ASSETS ARE REPORTEDLY PARALYZED AND THE FDN IS RELYING ON LOCALLY CHARTERED AIRCRAFT TO ASSIST IN RESUPPLY EFFORTS.]

*****CONT*****

UNCLASSIFIED [redacted]

1 Page Withheld
classified in Full

(Included blank page in (5)(1))

NICARAGUA

INSURGENTS STRENGTH

NICARAGUAN DEMOCRATIC FORCE (FDN)	12,000 - 13,500
NICARAGUAN UNITY FOR RECONCILIATION (UNIR)	150 - 250
SANDINO REVOLUTIONARY FORCES	1,500 - 2,000
MISURASATA	200 - 350
MISURA	500 - 1,000
TOTAL	14,350 - 17,100

NICARAGUA: UPDATE [~~ORCON~~]

[HOWEVER, DUE TO RESTRICTIONS BY THE OWNERS, THESE AIRCRAFT HAVE MADE VERY FEW TRIPS INTO NICARAGUA. ADDITIONALL THE INTERNATIONAL ARMS SELLERS WITH WHOM THE FDN DEALS DO NOT APPEAR ABLE TO DELIVER PREPAID ITEMS ON SCHEDULE. [redacted] WHILE FDN UNITS HAVE HAD SUCCESS IN CAPTURING MUNITIONS FROM THE SANDINISTAS, IT HAS NOT BEEN S.FFICIENT TO MAINTAIN THE LEVEL OF COMBAT THAT EXISTS.

[ ]
~~ORCON~~

MEANWHILE, EFFORTS TO UNITE THE DIVERGENT INSURGENT GROUPS CONTINUE. POLITICAL OPPOSITION LEADER ARTURO CRUZ (PH(IS REPORTEDLY WORKING TO BRING TOGETHER INSURGENT LEADERS AT A CONFERENCE IN SAN JOSE AT THE END OF THIS MONTH AND WILL SHORTLY ISSUE A DECLARATION OF OPPOSITION PRINCIPLES SIGNED BY BOTH POLITICAL AND INSURGENT LEADERS.]

*****CONT*****

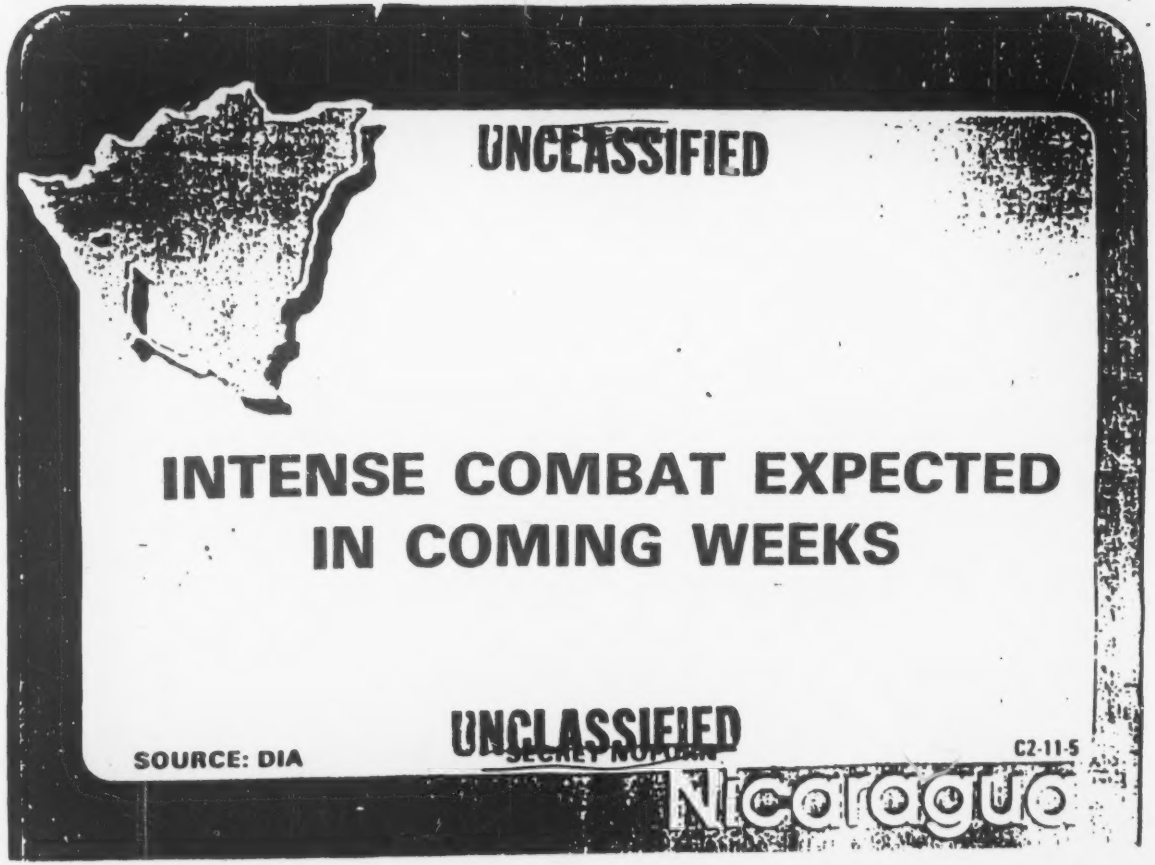
UNCLASSIFIED

WORKING PAPERS

NICARAGUA: UPDATE [redacted]

[(MB)OVERALL, THE FIGHTING IS EXPECTED TO INTENSIFY IN THE COMING WEEKS AS THE SANDINISTAS LAUNCH THEIR PLANNED OFFENSIVE. ALTHOUGH THEIR TROOPS REPORTEDLY STILL SUFFER FROM LOW MORALE AND POOR TRAINING, THIS OFFENSIVE COULD RESULT IN INCIDENTS OF HOT PURSUIT AND CONTINUED SMALL-SCALE CROSS-BORDER RAIDS. THE POSSIBILITY OF A MAJOR THRUST INTO HONDURAS CANNOT BE DISCOUNTED, BUT IS UNLIKELY.]

[ ]


UNCLASSIFIED
INTENSE COMBAT EXPECTED
IN COMING WEEKS
UNCLASSIFIED
SOURCE: DIA
C2-11-5
Nicaragua

UNCLASSIFIED

Change 1

8 February 1985

The DoD has examined all items on order requested by the Government of Honduras and is taking action to determine early availability, either through diversion of assets intended for othe countries, from U.S. stocks, or from accelerated procurement. The items fall in several categories, some of which are in service stocks and some unique to Honduras which are lead time away withou any ability on our part to expedite.

Following items can be expedited with delivery dates indicated:

Item	Qty	Normal Projected Delivery Date	Accelerated Delivery Dat
PRC-77 Radios		Jan 1986	March 1985**
Hot Weather Boots		June 1985	Feb 1985
Fuel		May 1985	March 1985*
Rockeye Bombs		Oct 1986	Feb 1985
2½ Ton Trucks		Jan 1986	March 1985
2½ Ton Trucks		Jan 1986	April 1985
Truck, Tank Fuel		Nov 1985	April 1985
Truck, Tank Water		Dec 1985	May 1985
Truck, Utility		June 1985	April 1985
Truck, Wrecker		Jan 1986	April 1985
Ctg 5.56mm		June 1986	March 1985**
Ctg 5.56mm		June 1986	March 1985**
Ctg 40mm MEDP		July 1986	March 1985**
Ctg 20mm		June 1986	March 1985**
155mm Howitzer M19[illegible]		March 1985	March 1985
Rifle, 5.56mm M16A1		July 1985	March 1985
Rifle, 5.56mm M16A2		Sep 1986	April 1985
Machine Gun, 50 cal M2		Sep 1986	March 1985
Bomb MK82 (500 lb)		May 1985	Feb 1985
2.75-in Rocket		April 1987	Feb 1985

* Deliveries within Honduran fuel storage capacity.

** February delivery may be possible.

UNCLASSIFIED
SECRET

RECEIVED

10 FEB 86 10 50

STAMP OR PRINT CLASSIFICATION/CODEWORD

UNCLASSIFIED

85 FE 11 A10

DATE & TIME TRANSMITTED	SITE D 464 MSG NCR	DATE & TIME RECEIVED

TO BE COMPLETED BY REQUESTOR

FROM: R. L. ARMITAGE OFFICE/DESK: ASD/ISA/DOD PHONE NBR: 695-6351

SUBJECT: Items on Order Requested by the Government of Honduras

PAGES: 1

DELIVERY INSTRUCTIONS:

☐ HOLD FOR NORMAL DUTY HOURS

☒ IMMEDIATELY

NOTE: FURNISH AFTER DUTY HOUR CONTACT TELEPHONE NUMBER FOR EACH ADDEE REQUIRING AFTER DUTY HOUR DELIVERY

TRANSMIT TO

AGENCY	INDIVIDUAL (NAME)	OFFICE	ROOM NBR	PHONE NBR
NSC	[redacted]	OEOB	392	394-3345
	Kimmitt			

REMARKS: [redacted]

JCS J-3 FORM 8
JAN 84

RECEIPT/RECEIPT FOR TRANSMISSION

UNCLASSIFIED

- ~~Water~~
- Water Ammo
- Water (2500)
- Medical support to Resistance
  - Improve road to Yagus ✓
  - Expedited delivery / storage
  - Prepared to respond to X border incursion
- Grenades
- Rifles
- Clothing ✓

- ~~Medical Assistance~~
- reducing Export Taxes ✓
- parallel working ✓
- devaluation
- cut import duties for producer inputs

APPENDIX D

National Security Council
The White House

System # —
Package # 5

	SEQUENCE TO	HAS SEEN	DISP
Bob Pearson			
Bob Kimmitt	1	K	
John Poindexter	2		
Paul Thompson			
Wilma Hall	3		
Bud McFarlane	4	✓	
Bob Kimmitt	5	K	
NSC Secretariat	6		
Situation Room			
JP	4A		

I = Information A = Action R = Retain D = Dispatch N = No ^

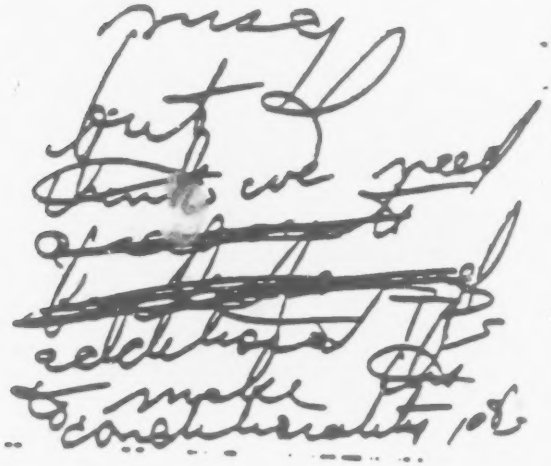
cc: VP Meese Baker Deaver Other

COMMENTS
4/20 Rec'd
Date 3/20
KMS

Should be seen by: (Date/Time)

Bud: Have a
to see this.
implement

I think it is OK for Amb to deliver



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MEMORANDUM

SECRET

THE WHITE HOUSE

WASHINGTON

SYSTEM #
90166

February 19, 1985

SECRET SENSITIVE

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT C. MCFARLANE

SUBJECT: Approach to the Hondurans regarding the Nicaraguan Resistance

Issue

What approach would best serve our interests in convincing the Hondurans to continue their support for the Nicaraguan resistance forces?

Facts

In recent weeks the Hondurans have been expressing increasing anxiety over the presence of large numbers of FDN freedom fighters gathered on their southern border. While they have continued their support to the FDN, there is increasing evidence that the Sandinistas are making every effort to intimidate the Hondurans into ceasing their assistance to the freedom fighters. The Intelligence Community estimates that between 40-60,000 Sandinista soldiers are gathered in northern Nicaragua with the mission of crippling the resistance in the next 60 days. We expect that there will be increasing numbers of artillery and rocket attacks into Honduran territory. Quick "in and out" raids by Sandinista special troops, possibly using their new HIND helicopters, are likely. These events could well cause the Hondurans to reverse their recent decision to continue support for the resistance.

Discussion

The CPPG convened on February 7, to consider the developments described above. The group agreed that we should make an approach to the Hondurans which emphasizes our commitment to their sovereignty and provides incentives for them to persist in aiding the freedom fighters. The group further agreed that the incentives should include:

-- the release of some economic support (we are currently withholding disbursement of $174M until the Hondurans commit to certain economic reforms);

SECRET SECRET ALU0101806 SENSITIVE
Declassify: OADR

cc Vice President

SECRET

-- expedited security assistance deliveries (the Hondurans ha experienced considerable delay in receiving a number of items which we could provide to them from our operating stocks); and

-- enhancements to existing CIA programs [redacted]

[redacted]

The group further agreed that our commitment to their sovereignt should be included in a letter from you to President Suazo and that your letter should also address the matter of the resistance in very general terms. This letter is attached at Tab A. With your approval this letter will be telegraphically transmitted to our Ambassador for delivery to President Suazo.

Following my recent trip to the region, one of my staff had very private meeting with a number of those who are very close to Suazo. This meeting apparently resulted in the Hondurans reversing their stated intention to withdraw support from the freedom fighters and force them back into Nicaragua--many of whom would have been without arms or equipment. The CPPG agreed that an emissary should again proceed to Honduras carrying the signed copy of your letter and, in a second meeting, very privately explain our criteria for the expedited economic support, security assistance deliveries, and enhanced CIA support.

Recommendations

OK	No	
RR	____	1. That you sign the letter at Tab A and approve its telegraphic transmission.
RR	____	2. That you authorize us to proceed as outlined above.

Prepared by:
Oliver L. North
Raymond F. Burghardt

Attachment
Tab A - Letter to President Suazo

ALU010[illegible]
SENSITIVE

SECRET

SECRET

SECRET

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

In my State of the Union Message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under siege. I reaffirmed our deep conviction in support of th. cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facets of our assistance to Central America.

The recent evidence of a growing concentration of Nicaraguan forces near your border and Nicaragua's record of past incursions give rise to serious concern. In view of this, I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during hi visit to Honduras several weeks ago. Our commitme under existing treaties to the defense of Hondurar sovereignty is clear. As we face the challenges ahead, we must continue to work together to achiev our common objectives of democracy, well-being, ar security in your country and throughout Central America. I hope that your government will cont to do all in its power to support those who strug for freedom and democracy. I look forward to an opportunity to discuss our mutual commitment to liberty in Central America during your visit to Washington in May.

Ronald Reagan

His Excellency
Dr. Roberto Suazo Cordova
President of the Republic of Honduras
Tegucigalpa

SECRET ALU010[illegible]

SYSTEM II PROFILE SECRET/SENSITIVE ID 8

RECEIVED 14 FEB

TO MCFARLANE FROM PLATT, N DOCDATE 14 FEB

KEYWORDS. HONDURAS ES
NICARAGUA

SUBJECT. PRES MSG TO SUAZO OF HONDURAS RE NICARAGUA & BILATERAL ISSUES

ACTION: PREPARE MEMO FOR MCFARLANE DUE: 15 FEB 85 STATUS S FILES S

FOR ACTION: BURGHARDT
FOR CONCURRENCE: NORTH
FOR INFO: PEARSON, POINDEXTER

COMMENTS

REF# 8504678 LOG NSCIFID ( )

ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO
Nicholson	15 FEB 85	Prep for Signature		VP
Poe	19 FEB 85	Signature		

ALU0101809

DISPATCH W/ATTCH FILE

National Security Council
The White House

System # ___
Package # ___

1586

	SEQUENCE TO	HAS SEEN	DISP
Bob Pearson	1	P	___
Bob Kimmitt	2		___
John Poindexter	3		___
Paul Thompson	___	___	___
Wilma Hall	___	___	___
Bud McFarlane	5		___
Bob Kimmitt	6	K.	___
NSC Secretariat	7		D
Situation Room	4		DA TC
___	___	___	___

I = Information A = Action R = Retain D = Dispatch N = No further

cc: VP Meese Baker Deaver Other

COMMENTS Should be sent by: 1 [illegible]

Bob K.
Make sure
Send to Pres & also
to Pres
It is important
Let's get it out

ALU0101810

THE WHITE HOUSE
WASHINGTON

SYSTEM : 90166

February 19, 1985

SECRET SENSITIVE

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT C. MCFARLANE

SUBJECT: Approach to the Hondurans regarding the Nicaragua Resistance

Issue

What approach would best serve our interests in convincing the Hondurans to continue their support for the Nicaraguan resistanc forces?

Facts

In recent weeks the Hondurans have been expressing increasing anxiety over the presence of large numbers of FDN freedom fighters gathered on their southern border. While they have continued their support to the FDN, there is increasing evidence that the Sandinistas are making every effort to intimidate the Hondurans into ceasing their assistance to the freedom fighters. The Intelligence Community estimates that between 40-60,000 Sandinista soldiers are gathered in northern Nicaragua with the mission of crippling the resistance in the next 60 days. We expect that there will be increasing numbers of artillery and rocket attacks into Honduran territory. Quick "in and out" raids by Sandinista special troops, possibly using their new HIND helicopters, are likely. These events could well cause the Hondurans to reverse their recent decision to continue support for the resistance.

Discussion

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-- the release of some economic support (we are currently withholding disbursement of $174M until the Hondurans commit to certain economic reforms);

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Declassify: OADR

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cc Vice President

-- expedited security assistance deliveries (the Hondurans ha experienced considerable delay in receiving a number of items which we could provide to them from our operating stocks); and

-- enhancements to existing CIA programs

The group further agreed that our commitment to their sovereignt should be included in a letter from you to President Suazo and that your letter should also address the matter of the resistanc in very general terms. This letter is attached at Tab A. With your approval this letter will be telegraphically transmitted to our Ambassador for delivery to President Suazo.

Following my recent trip to the region, one of my staff had very private meeting with a number of those who are very close to Suazo. This meeting apparently resulted in the Hondurans reversing their stated intention to withdraw support from the freedom fighters and force them back into Nicaragua--many of whom would have been without arms or equipment. The CPPG agreed that an emissary should again proceed to Honduras carrying the signed copy of your letter and, in a second meeting, very privately explain our criteria for the expedited economic support, security assistance deliveries, and enhanced CIA support.

Recommendations

OK	No	
____	____	1. That you sign the letter at Tab A and approve its telegraphic transmission.
____	____	2. That you authorize us to proceed as outlined above.

Prepared by:
Oliver L. North
Raymond F. Burghardt

Attachment
Tab A - Letter to President Suazo

ALU01018:2

SECRET

SECRET

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

In my State of the Union message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under siege. I reaffirmed our deep conviction in support of the cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facets of our assistance to Central America.

The recent evidence of a growing concentration of Nicaraguan forces near your border and Nicaragua's record of past incursions give rise to serious concern. In view of this, I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during his visit to Honduras several weeks ago. Our commitment under existing treaties to the defense of Honduran sovereignty is clear. As we face the challenges ahead, we must continue to work together to achieve our common objectives of democracy, well-being, and security in your country and throughout Central America. I hope that your government will continue to do all in its power to support those who struggle for freedom and democracy. I look forward to an opportunity to discuss our mutual commitment to liberty in Central America during your visit to Washington in May.

His Excellency
Dr. Roberto Suazo Cordova
President of the Republic of Honduras
Tegucigalpa

SECRET

ALU0101813

SECRET

MEMORANDUM

SYSTEM II
90166

NATIONAL SECURITY COUNCIL

February 15, 1985

SECRET SENSITIVE

ACTION

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH
RAYMOND F. BURGHARDT

SUBJECT: Presidential Letter to President Suazo of Honduras

Attached at Tab I is a memo from you to the President asking him to approve the transmission of a letter to President Suazo (Tab A). This letter results from the CPPG meeting of February 7 and is concurred in by all parties. At the CPPG meeting, all agreed that conditions along the Honduran/Nicaraguan border required an approach that includes the following elements, in addition to the letter:

-- expedited economic assistance (partial rel se of some of the $174M in ESF currently withheld);

-- hastened delivery of U.S. security assistance items (currently in short supply in Honduras);

-- enhanced support from the CIA [redacted]

Finally, all participants agreed that a special emissary should deliver a very private, but clear, message to those closest to Suazo that our expediting these items is conditional on continued Honduran support for the resistance. OSD, JCS, and CIA all agreed with this approach.

State Department interposed no objection to this procedure at the CPPG. However, since then ARA has clearly indicated that they do not desire to have an emissary, that there is no need to explain the "conditionality," and that the expedited release of any ESF is "probably too hard."

Your memo to the President (Tab I) asks him to approve the approach endorsed by the CPPG. In the event that you would prefer alternative tactics, a memo from you to Secretary Shultz is attached at Tab II. State's most recent input is attached at Tab III.

ALU0101814

SECRET

SECRET SENSITIVE
Declassify: OADR

SECRET

RECOMMENDATION

That you initial and forward your memo to the President at Tab I.

Approve _____ Disapprove _____

Attachments
Tab I - McFarlane Memo to the President
Tab A - Letter to President Suazo
Tab II - McFarlane Memo to Shultz
Tab III - Platt Memo to McFarlane of February 14, 1985

ALU0101815

SECRET

[redacted] Version Received by Committees

[redacted]

~~UNCLASSIFIED~~ 2533 SYSTEM 3 90166

MEMORANDUM

NATIONAL SECURITY COUNCIL

February 15, 1985

~~SECRET~~ ~~SENSITIVE~~

ACTION

Partially Declassified/Released on 6/MM
under provisions of E.O. 12356
by K. Johnson, National Security Council

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH
RAYMOND F. BURGHARDT

SUBJECT: Presidential Letter to President Suazo of Hondur

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~~SECRET~~ UNCLASSIFIED ... OLNOOF BMJ

~~UNCLASSIFIED~~

~~SECRET~~ 2 ~~SENSITIVE~~

RECOMMENDATION

That you initial and forward your memo to the President at Tab I.

Approve _____ Disapprove _____

Attachments

Tab I - McFarlane Memo to the President
Tab A - Letter to President Suazo
Tab II - McFarlane Memo to Shultz
Tab III - Platt Memo to McFarlane of February 14, 1985

~~SECRET~~ ~~UNCLASSIFIED~~

MEMORANDUM

~~UNCLASSIFIED~~

THE WHITE HOUSE

WASHINGTON

SYSTEM I
90166

~~SECRET~~ ~~SENSITIVE~~

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT C. McFARLANE

SUBJECT: Approach to the Hondurans regarding the Nicaragu Resistance

Issue

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Facts

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Discussion

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-- the release of some economic support (we are currently withholding disbursement of $174M until the Hondurans com to certain economic reform);

-- expedited security assistance deliveries (the Hondurans h experienced considerable delay in receiving a number of items which we could provide to them from our operating stocks); and

~~SECRET~~ ~~SENSITI~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~ 2 ~~SENSITIVE~~

-- enhancements to existing CIA programs [redacted]

The CTTG further proposed that our commitment to their sovereignty should be included in a letter from you to Presider Suazo and that your letter (Tab A) should also address the matt of the resistance in very general terms. Once you approve, this letter will be telegraphically transmitted to our Ambassador for delivery to President Suazo.

Following my recent trip to the region, one of my staff had very private meeting with a number of those who are very close to Suazo. This meeting apparently resulted in the Hondurans reversing their stated intention to withdraw support from the freedom fighters and force them back into Nicaragua--many of whc would have been without arms or equipment. The CPPG agreed that an emissary should again proceed to Honduras carrying the signed copy of your letter and, in a second meeting, very privately explain our criteria for the expedited economic support, securi assistance deliveries, and enhanced CIA support.

Although there was unanimous agreement at the CPPG, since that time the State Department has apparently reconsidered its position. State now believes there is no necessity for explicitly linking the expedited release of assistance to Honduran cooperation, with the Nicaraguan resistance. State therefore prefers that the letter be handled only by Ambassador Negroponte, that no freedom fighter issues be raised, and that no special emissary be dispatched.

On the basis of my own visit to Honduras last month, I continue to believe that it would be very useful for one of my staff to underline for those close to Suazo, the importance we attach t continued help for the freedom fighters.

Recommendations

OK	No	
_____	_____	1. That you sign the letter at Tab A and approve its telegraphic transmission.
_____	_____	2. That you authorize us to proceed as the CPPG originally proposed, including the dispatch of an emissary.

Prepared by:
Oliver L. North
Raymond F. Burghar

Attachment
Tab A - Letter to President Suazo

~~UNCLASSIFIED~~

SYSTEM II
90166

THE WHITE HOUSE

WASHINGTON

~~SECRET~~

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

SUBJECT: Presidential Letter to President Suazo of Hondur
(S)

In accord with your memorandum of February 14, the text of the Presidential letter to President Suazo is approved for transmission to Ambassador Negroponte. The cable to John Negroponte should be modified to note that the original will be delivered by a special envoy. (S)

The President's letter is intended as a straightforward appeal President Suazo to continue his support for those who struggle for freedom and democracy in Central America. We want Presiden Suazo to focus on this issue rather than other matters on our bilateral agenda. Thus, the talking points in paragraphs 3.a. and 3.b. of the proposed cable would be more relevant to separ discussions by Ambassador Negroponte and our bilateral commis and should, therefore, not be included in this cable. (S)

At the February 7 CPPG, all agreed that we should provide additional incentives to the Hondurans for their cooperation. was further agreed that these incentives should include the release of some economic support, expedited security assistance deliveries, and enhanced CIA support--and that the criteria for this delivery should be explained by a special envoy. At this point, we are awaiting only a final determination on the amount and timing of the release of a tranche of ESF. Once this has been decided, we should dispatch our envoy to carefully explain the linkage between our additional support and the critical iss of Honduran performance in backing the cause of liberty in Central America. (S)

~~SECRET~~

~~UNCLASSIFIED~~

~~ES-[redacted]~~ 8504678
United States Department of State

Washington, D.C. 20520 SYSTEM 90166

~~UNCLASSIFIED~~

February 14, 1985

MEMORANDUM FOR MR. ROBERT C. MCFARLANE
THE WHITE HOUSE

Subject: Presidential Message to President Suazo of Honduras

Attached is a draft cable with the agreed text of a letter from the President to President Suazo of Honduras together with talking points on the Nicaraguan military buildup and bilateral issues for use by our Ambassador in Tegucigalpa. The cable covers the points agreed upon at the February 7 CPPG meeting on Honduras.

Please advise when the letter is signed by the President. Also, your concurrence in the proposed talking points is requested. Finally, we would appreciate being informed about the proposed subsequent visit by a special envoy.

for Nicholas Platt
Executive Secretary

Attachment:
As Stated.

~~UNCLASSIFIED~~
DECL: OADR

APPENDIX E

National Security Council
The White House

System # II
Package # 91
Mc

	SEQUENCE TO	HAS SEEN	DISP
Bob Pearson	1	✓P	
Bob Kimmitt	~~2~~		
John Poindexter	3	JP	
Paul Thompson			
Wilma Hall			
Bud McFarlane	4	has seen	
Bob Kimmitt	5	K	/
NSC Secretariat			
Situation Room			
Burghardt	6	FEB	A

I = Information | A = Action | R = Retain | D = Dispatch | N = No Further

cc: VP Meese Baker Deaver Other Poindexter

COMMENTS Should be seen by: ASAP
(Date/Time)

ALU0101794

SECRET

MEMORANDUM

NATIONAL SECURITY COUNCIL

February 20, 1985

SECRET SENSITIVE

ACTION

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH
RAYMOND F. BURGHARDT

SUBJECT: Presidential Letter to President Suazo of Hondura

Per instructions from ADM Poindexter, a Kimmitt to Platt memo (Tab I) has been prepared regarding the Presidential letter to Suazo. In accord with instructions, we have incorporated talkin points for use by Amb Negroponte when he delivers the President's telegraphically transmitted letter. Included in the talking points are the specific issues that would have been raised with the Hondurans by a special emissary. The original package is attached at Tab II.

Our original objectives in having an emissary deliver this message were as follows:

-- Protection against unauthorized disclosure of a direct request to the Hondurans. To date, all Administration officials have been able to state to the Congress that we have not approached any other government to support the resistance. Once the memo at Tab I and the attached cable are transmitted we will no longer be able to make such a claim and any of the appropriate committees may place a call for all relevant cables on this matter at any time.

-- Amb Negroponte, who will be called upon to testify during his confirmation hearings for Assistant Secretary, will undoubtedly be queried on whether or not such overtures were made to the Hondurans after Section 8066 of the FY-85 C.R. became law. Notwithstanding our own interpretations, it is very clear from the colloquy during the debate on the C.R. that the legislative intent was to deny any direct or indirect support for military/paramilitary operations in Nicaragua.

SECRET SENSITIVE
Declassify: OADR

SECRET
ALU0101795

SECRET

In short, the decision to proceed without an emissary places bot Amb Negroponte and our hopes with the Hill at increased jeopardy We still believe that our original concept of an emissary is the proper way in which to proceed.

RECOMMENDATION

That you discuss this matter with Secretary Shultz using the points above and not dispatch the memo at Tab I.

Approve _____ Disapprove _____

Attachments
Tab I - Kimmitt Memo to Platt
Tab A - Modified Cable to AMEMB Tegucigalpa
Tab II - Original Package 90166 of February 15, 1985

SECRET

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SYSTEM II
90166

SECRET

MEMORANDUM FOR MR. NICHOLAS PLATT
Executive Secretary

SUBJECT: Presidential Letter to President Suazo of Honduras (C)

In accord with your memorandum of February 14, the attached modified text of the Presidential letter to President Suazo is approved for transmission to Ambassador Negroponte. (S)

The President's letter is intended as a straightforward appeal to President Suazo to continue his support for those who strugg[illegible] for freedom and democracy in Central America. We want Pres. Suazo to focus on this issue rather than other matters on our bilateral agenda. Thus, the talking points in paragraphs 3.a. and 3.b. of the proposed cable would be more relevant to separate discussions by Ambassador Negroponte and our bilateral commission and should, therefore, not be included in this cable. (S)

In place of the talking points originally addressed in paragraphs 3.a. and 3.b. of the attached cable, it is recommended that paragraph 3.c. be renumbered as paragraph 3.a. and the following added: (S)

"B. I have also been instructed to make the following points in regards to the issue of the Nicaraguan freedom fighters:

-- The United States Government is cognizant of the support that you and your government are providing to the freedom fighters.

-- President Reagan is personally aware of this support and appreciates the risks that you have undertaken to provide this much needed assistance.

-- In order to ensure that our appreciation manifests itself in more than words, the President has directed that my government undertake to provide expedited delivery on certain items of assistance for your country.

-- The President has instructed that some of the economic assistance for Honduras which is currently being withheld should be released. ~~[He has taken this decision despite opposition from those who insist on economic reform by . . . government as a precondition.]~~

SECRET
Declassify: OADR

SECRET

ALUOTC

SECRET

-- The President has also directed that we withdraw from military stocks for our own forces certain critical security assistance items which have been ordered by your armed forces.

-- Finally, the CIA has been instructed to enhance several of its existing programs.

Robert M. Kimmitt
Executive Secretary

Attachment
Tab A - Modified Cable to AMEMB Tegucigalpa

SECRET

SECRET

ALU010179

ES SENSITIVE 85146 S
United States Department of State

Washington, D.C. 20520 SYSTEM 90166

February 14, 1985

SECRET/SENSITIVE

MEMORANDUM FOR MR. ROBERT C. MCFARLANE
THE WHITE HOUSE

Subject: Presidential Message to President Suazo of Honduras

Attached is a draft cable with the agreed text of a letter from the President to President Suazo of Honduras together with talking points on the Nicaraguan military buildup and bilateral issues for use by our Ambassador in Tegucigalpa. The cable covers the points agreed upon at the February 7 CPPG meeting on Honduras.

Please advise when the letter is signed by the President. Also, your concurrence in the proposed talking points is requested. Finally, we would appreciate being informed about the proposed subsequent visit by a special envoy.

for Nicholas Platt
Executive Secretary

Attachment:
As Stated.

SECRET/SENSITIVE
DECL: OADR

ALU010179

ORIG.
C Sapp
① Oman

SECRET 0756C

ARA/CEN:NSSMITH:LEE
2/12/85 EXT. 24010
THE SECRETARY

ARA - LAMOTLEY | S/S -
S/S-O - | NSC -
S:KCSTANTON |

IMMEDIATE TEGUCIGALPA

NODIS

E.O. 12356: DECL: OADR

TAGS: OPDC, HO

SUBJECT: PRESIDENTIAL MESSAGE

1. S - ENTIRE TEXT

2. AMBASSADOR SHOULD SEEK EARLY APPOINTMENT WITH PRESIDENT SUAZO TO DELIVER TEXT OF FOLLOWING LETTER FROM PRESIDENT REAGAN.

QUOTE: DEAR MR. PRESIDENT: IN MY STATE OF THE UNION MESSAGE OF FEBRUARY 6, I MADE CLEAR THE PRIORITY WE GIVE TO CENTRAL AMERICA AND OUR DETERMINATION TO CONTINUE TO SUPPORT FREEDOM WHEREVER IT MAY BE UNDER SIEGE. I REAFFIRMED OUR DEEP CONVICTION IN SUPPORT OF THE CAUSE OF THE NICARAGUAN FREEDOM FIGHTERS, AND I CALLED UPON THE CONGRESS TO CONTINUE ALL FACETS OF OUR ASSISTANCE TO CENTRAL AMERICA.

THE RECENT EVIDENCE OF A GROWING CONCENTRATION OF NICARAGUAN FORCES NEAR YOUR BORDER AND NICARAGUA'S RECORD OF PAST INCURSIONS GIVES RISE TO SERIOUS CONCERN. IN VIEW OF THIS I WANT STRONGLY TO REAFFIRM THE MESSAGE WHICH I ASKED MY NATIONAL SECURITY ADVISOR TO GIVE TO YOU DIRECTLY DURING HIS VISIT TO HONDURAS SEVERAL WEEKS AGO.

SECRET

ALUO1070

SECRET 1 2

OUR COMMITMENT UNDER EXISTING TREATIES TO THE DEFENSE OF HONDURAN SOVEREIGNTY IS CLEAR. AS WE FACE THE CHALLENGES AHEAD, WE MUST CONTINUE TO WORK TOGETHER TO ACHIEVE OUR COMMON OBJECTIVES OF DEMOCRACY, WELL-BEING AND SECURITY IN YOUR COUNTRY AND THROUGHOUT CENTRAL AMERICA. I HOPE THAT YOUR GOVERNMENT WILL CONTINUE TO DO ALL IN ITS POWER TO SUPPORT THOSE WHO STRUGGLE FOR FREEDOM AND DEMOCRACY.

I LOOK FORWARD TO AN OPPORTUNITY TO DISCUSS ~~THESE IMPORTANT ISSUES AND~~ OUR ~~CONTINUED~~ COMMITMENT TO ~~THE DEFENSE OF DEMOCRACY AND THE PROMOTION OF PEACE~~ IN CENTRAL AMERICA DURING YOUR VISIT TO WASHINGTON IN MAY. END QUOTE.

3. IN DELIVERING LETTER, AMBASSADOR SHOULD MAKE FOLLOWING ORAL POINTS:

A. WE HAVE MADE SIGNIFICANT PROGRESS ON BILATERAL ISSUES:

--AGREEMENT TO SUBMIT RMTC GENERAL PRINCIPLES TO THE CONGRESS IS AN IMPORTANT STEP.

--WE ARE ACTIVELY EXPLORING WHAT ECONOMIC MEASURES WILL ALLOW EARLY DISBURSEMENT OF A PORTION OF THE $145 MILLION ESF MONIES. A WASHINGTON DELEGATION HEADED BY MR. KOPP IS PREPARED TO COME NEXT WEEK TO TRY TO WRAP UP AGREEMENT WHICH WOULD ALLOW RELEASE OF A $35 MILLION TRANCHE IN THE NEAR FUTURE.

DELETE

--AHUAS TARA III IS PROCEEDING ON SCHEDULE. WE EXPECT TO DIRECT ADDITIONAL U.S. NAVAL CRAFT TO PATROL OFF THE COAST OF CENTRAL AMERICA AS A DEMONSTRATION OF U.S. COMMITMENT TO THE REGION. I WILL BE INVITING YOU, IF YOU WISH, AND YOUR OFFICIALS TO VISIT THE SHIPS.

--THE DEFENSE DEPARTMENT HAS TAKEN STEPS TO EXPEDITE PROCUREMENT AND DELIVERY OF ITEMS UNDER THE MILITARY ASSISTANCE PROGRAM.

--WE ARE WORKING IN CLOSE HARMONY ON CONTADORA ISSUES.

B. MINDFUL OF THE DESIRABILITY OF DEMONSTRATING THE CONTINUED, STRONG U.S. INTEREST IN HONDURAS, AND ALSO OF THE NEED NOT TO APPEAR INTRUSIVE IN YOUR INTERNAL AFFAIRS DURING AN ELECTION YEAR, WE BELIEVE THAT A HIGH LEVEL VISIT WOULD SET THE PROPER ATMOSPHERE AND HELP GIVE NECESSARY PUBLIC AND POLICY FOCUS TO OUR BILATERAL RELATIONS.

SECRET | 3

--THE WHITE HOUSE HAS AUTHORIZED ME TO PROPOSE AN OFFICIAL WORKING VISIT TO WASHINGTON WITH THE DATE OF MAY 21 ~~OR MAY 28~~ FOR A MEETING WITH PRESIDENT REAGAN.

DELETE

--WE SEE THIS AS AN IMPORTANT OCCASION TO DEMONITRATE TO ALL THE STRENGTH OF U.S.-HONDURAN RELATIONS. WE WOULD WORK CAREFULLY WITH YOU TO ASSURE THE VISIT IS A SUCCESS AND THAT THE FORMAT IS KEPT SIMPLE, AS YOU REQUESTED.

--WE HOPE THIS TIMING WILL BE CONVENIENT FROM YOUR STANDPOINT, WITH THE LIBERAL PARTY CONVENTION BEHIND YOU, AND FROM OURS AS WELL, WITH ACTION BY THEN WELL LAUNCHED IN THE CONGRESS ON KEY ELEMENTS OF THE PRESIDENT'S REGIONAL PROGRAM.

A. [FINALLY,] I HAVE A MESSAGE FOR YOU FROM PRESIDENT REAGAN. THE PRESIDENT'S LETTER EXPRESSES OUR DEEP CONCERN ABOUT MASSING OF SANDINISTA FORCES IN NORTHERN NICARAGUA AND INDICATIONS THEY MAY PLAN NEW, CONCERTED ATTACKS ON BASE CAMPS OF NICARAGUAN FREEDOM FIGHTERS. THERE IS INFORMATION THAT THE SANDINISTAS ARE PREPARING TO UNDERTAKE AN ALL-OUT EFFORT, THROUGH VARIOUS MEANS IN THE COMING WEEKS, TO ELIMINATE OR SEVERELY DAMAGE THE FREEDOM FIGHTERS. THAT WOULD BE A TRAGIC BLOW TO THE DEMOCRATIC STATES OF CENTRAL AMERICA AND TO OUR JOINT EFFORTS TO ACHIEVE A REGIONAL SETTLEMENT AND PRESERVE THE DEMOCRATIC OPTION IN NICARAGUA.

[--IT IS IMPORTANT NOW THAT WE PRESERVE OUR CAPACITY AND OUR POLICY OPTIONS FOR THE FUTURE.vv]

SECRET ALU01018C

SECRET

THE WHITE HOUSE

WASHINGTON

SYSTEM II
90166

SECRET

PLATT

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

SUBJECT: Presidential Letter to President Suazo of Honduras (C)

Approved, MODIFIED

In accord with your memorandum of February 14, the text of the Presidential letter to President Suazo is approved for transmission to Ambassador Negroponte. ~~The cable to John Negroponte should be modified to note that the original will be delivered by a special envoy.~~ (S)

The President's letter is intended as a straightforward appeal to President Suazo to continue his support for those who struggle for freedom and democracy in Central America. We want President Suazo to focus on this issue rather than other matters on our bilateral agenda. Thus, the talking points in paragraphs 3.a. and 3.b. of the proposed cable would be more relevant to separate discussions by Ambassador Negroponte and our bilateral commission and should, therefore, not be included in this cable. (S)

~~At the February 7 CPPG, all agreed that we should provide additional incentives to the Hondurans for their cooperation. It was further agreed that these incentives should include the release of some economic support, expedited security assistance deliveries, and enhanced CIA support and that the criteria for this delivery should be explained by a special envoy. At this point, we are awaiting only a final determination on the amount and timing of the release of a tranche of ESF. Once this has been decided, we should dispatch our envoy to carefully explain the linkage between our additional support and the critical issue of Honduran performance in backing the cause of liberty in Central America.~~ (S)

add it requirement for talking points on increased assistance and conditionality

KIMMITT

Bud.

We ought to get this out today

Abrahamt

ALU0101803

SECRET

SECRET
Declassify: OADR

National Security Council
The White House

System # ___

Package # ___

	SEQUENCE TO	HAS SEEN	DIS
Bob Pearson			
Bob Kimmitt	1	K	
John Poindexter	2		
Paul Thompson			
Wilma Hall	3		
Bud McFarlane	4	✓	
Bob Kimmitt	5	K	
NSC Secretariat	6		
Situation Room			
JP	4A		

1 = Information 2 = Action 3 = Retain 4 = Dispatch 5 = No further

cc: VP Meese Baker Deaver Other ___

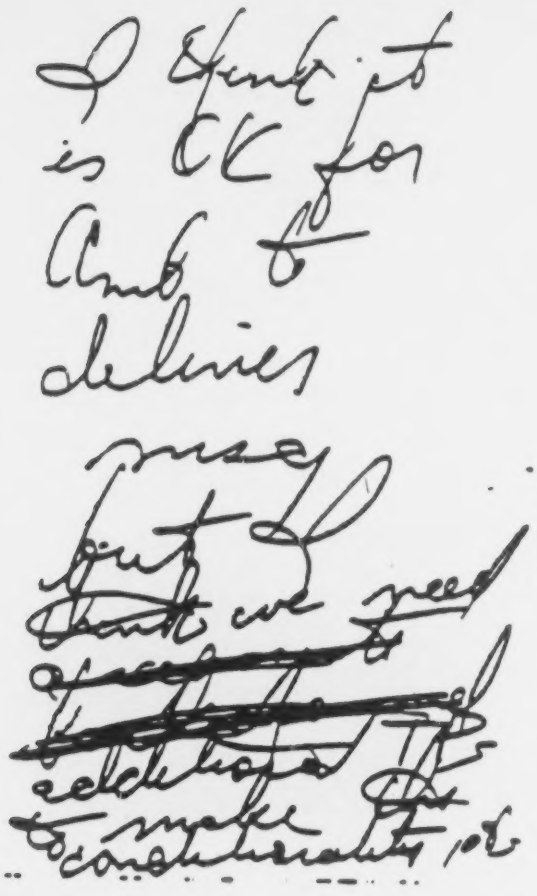
COMMENTS

4/20 Rec'd
Date 3/20 —
KMS

Should be seen by: ___ (Date/Time)

Bud: You'll
to see this
implement

ALU0101804



ALU0101805

APPENDIX F

SECRET 033503

MEMORANDUM

NATIONAL SECURITY COUNCIL

SYSTEM : 90166 Add-on

February 22, 1985

SECRET SENSITIVE

ACTION

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: RAYMOND F. BURGHARDT

SUBJECT: Presidential Letter to President Suazo of Hondur

A Kimmitt to Platt memo (Tab I) has been prepared regarding the Presidential letter to Suazo, per instructions from ADM Poindex As instructed, the memo concurs with State's originally propose talking points. If you agree, I could carry the original to Tegucigalpa when I visit there with Mort Abramowitz at the end next week.

RECOMMENDATIONS

1. That you authorize Bob Kimmitt to sign the memo to Platt at Tab I.

Approve _____ Disapprove _____

2. That you authorize me to handcarry the Presidential letter Ambassador Negroponte, for passing to Suazo as he deems appropriate.

Approve _____ Disapprove _____

Attachments
Tab I - Kimmitt Memo to Platt
Tab A - Presidential ltr to President Suazo
Tab II - Package 90166 Add-on of February 20, 1985

000215

SECRET
Declassify: OADR

SECRET

ALUOICIAL

SECRET

THE WHITE HOUSE
WASHINGTON

Dear Mr. President:

In my State of the Union message of February 6, I made clear the priority we give to Central America and our determination to continue to support freedom wherever it may be under siege. I reaffirmed our deep conviction in support of t cause of the Nicaraguan freedom fighters; and I called upon the Congress to continue all facet of our assistance to Central America.

The recent evidence of a growing concentration o Nicaraguan forces near your border and Nicaragua record of past incursions give rise to serious concern. In view of this, I want strongly to reaffirm the message which I asked my National Security Advisor to give to you directly during visit to Honduras several weeks ago. Our commit under existing treaties to the defense of Hondur sovereignty is clear. As we face the challenges ahead, we must continue to work together to achi our common objectives of democracy, well-being, security in your country and throughout Central America. I hope that your government will conti to do all in its power to support those who struc for freedom and democracy. I look forward to an opportunity to discuss our mutual commitment to liberty in Central America during your visit to Washington in May.

Ronald Reagan

His Excellency
Dr. Roberto Suazo Cordova
President of the Republic of Honduras
Tegucigalpa

SECRET

ALU010179

APPENDIX G

SECRET

SYSTEM IV
NSC/ICS-402004

THE WHITE HOUSE

WASHINGTON

February 27, 1985

044213

SECRET

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

THE HONORABLE CASPAR W. WEINBERGER
The Secretary of Defense

THE HONORABLE WILLIAM J. CASEY
The Director of Central Intelligence

GENERAL JOHN W. VESSEY, JR.
Chairman, Joint Chiefs of Staff

SUBJECT: Enhanced Support for Honduras (C)

President Reagan has communicated his personal concerns to President Suazo regarding the situation along the southern border of Honduras. The talking points which were used by Ambassador Negroponte in transmitting the President's letter indicated that we are aiming for an early release of $35 million in ESF and expedited procurement and delivery of items under the military assistance program. During the CPPG deliberations on the Honduran situation, it was also proposed that we increase support from the CIA on several projects being conducted by the Agency in Honduras [redacted] (S)

In order to implement the President's intent, we should proceed as follows on these measures:

-- the Department of Defense is requested to commence expedited procurement and delivery of those items which have been ordered by the Government of Honduras under our military assistance program. Where necessary, items may be drawn from U.S. stocks, diverted from assets intended for other countries, or purchased through accelerated procurement procedures.

-- the Central Intelligence Agency should prepare appropriate documentation including a Memorandum of Notification (MON) for enhancing its program in Honduras in the following areas:

DEFENDANT'S EXHIBIT 54

000727A

SECRET
Declassify on: OADR

AKW0051262

SECRET

SECRET

[redacted]

It would be appreciated if the Department of Defense and the Central Intelligence Agency would report on these actions by March 4, 1985. (S)

Robert C. McFarlane

SECRET

AKW0051263

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

SYSTEM IV
NSC/ICS-40200

SECRET

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

THE HONORABLE CASPAR W. WEINBERGER
The Secretary of Defense

THE HONORABLE WILLIAM J. CASEY
The Director of Central Intelligence

GENERAL JOHN W. VESSEY, JR.
Chairman, Joint Chiefs of Staff

SUBJECT: Enhanced Support for Honduras (C)

President Reagan has communicated his personal concerns to President Suazo regarding the situation along the southern borde of Honduras. The talking points which were used by Ambassador Negroponte in transmitting the President's letter indicated that we are aiming for an early release of $35 million in ESF and expedited procurement and delivery of items under the military assistance program. During the CPPG deliberations on the Honduran situation, it was also proposed that we increase suppor from the CIA on several projects being conducted by the Agency i Honduras[ ] (S)

In order to implement the President's intent, we should proceed as follows on these measures:

-- the Department of Defense is requested to commence expedite procurement and delivery of those items which have been ordered by the Government of Honduras under our military assistance program. Where necessary, items may be drawn from U.S. stocks, diverted from assets intended for other countries, or purchased through accelerated procurement procedures.

-- the Central Intelligence Agency should prepare appropriate documentation including a Memorandum of Notification (MON) for enhancing its program in Honduras in the following areas:

Version Received by Committee

SECRET
Declassify on: OADR

UNCLASSIFIED

UNCLASSIFIED

- [
- -
- -
-]

It would be appreciated if the Department of Defense and the Central Intelligence Agency would report on these actions by March 4, 1985. Once the appropriate CIA documentation has been drafted, a Planning and Coordination Group (PCG) meeting will be called to coordinate the implementation of those measures being conducted by the CIA. (S)

UNCLASSIFIED

APPENDIX H

050376

THE WHITE HOUSE
WASHINGTON

SYSTEM
9044

April 25, 1985

SECRET

RECOMMENDED TELEPHONE CALL

TO: His Excellency Roberto Suazo Cordova, President of the Republic of Honduras

DATE: Thursday, April 25, 1985

RECOMMENDED BY: Robert C. McFarlane

PURPOSE: To reassure the Honduran Government regard our intention to support the Nicaraguan democratic resistance forces.

BACKGROUND: One of the most serious consequences of th House's action yesterday is the deep conce it has created in Honduras. [A high Honduran military offic] and other high officials are threatening t deny sanctuary to the FDN and disarm the resistance forces on the Honduran border. This morning, [a senior military official] of the Hondura General Staff told Alfonso Robelo that thi vote "finishes Honduran support." The Honduran military this morning stopped a shipment of ammunition to the FDN base at Vegas. The active GOH cooperation with F logistics, which we have seen in the past months, must continue if the resistance i survive.

It is imperative, therefore, that you mak clear the Executive Branch's political commitment to maintaining pressure on the Sandinistas, regardless of what action Congress takes. President Suazo will nee some overt and concrete sign of this commitment in order to forestall his mili in taking action against the FDN. Two actions which would signal our commitment are:

-- impose a trade embargo, using eithe IEEPA or the Trade Expansion Act (we urgently examining the alternatives will send you a recommendation); and

-- downgrade diplomatic relations.

00

SECRET
Declassify: OADR

SECRET

ALU00974

cc Vice Presid

000054

SECRET

BACKGROUND: (Continued...)

While we consider and prepare for these specific measures, it is essential that yc call President Suazo to reassure him that intend to continue our support for the freedom fighters and that you are examini actions for which Congressional approval not required.

TOPICS OF DISCUSSION:

1. Yesterday's House vote for aid to the Nicaraguan democratic resistance.

2. Commitment to persist in effort to ob funds from the Congress for continued U.S support.

3. Urge GOH not to take any actions whic would jeopardize the struggle for liberty democracy in Nicaragua.

Date of Submission:

ALUOC97-

Action

SECRET

SECRET

~~CLASSIFIED~~ UNCLASSIFIED

MEMORANDUM

NATIONAL SECURITY COUNCIL

SYSTEM I
90447

April 25, 1985

~~SECRET~~

ACTION

Version Received by Committee

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH
RAYMOND F. BURGHARDT

SUBJECT: Presidential Phone Call to President Roberto Sua:
Cordova of the Republic of Honduras

Attached at Tab I is a memo to the President recommending that h
place a phone call to President Suazo. The memo is
self-explanatory. Talking points for the President's use are
attached at Tab A.

RECOMMENDATION

That you initial and forward your memo to the President at
with Tab A attached.

Approve _____ Disapprove _____

Attachments
Tab I - Recommended Telephone Call Memo
Tab A - Presidential Talking Points

Partially Declassified/Released on 16 MAR 89
under provisions of E.O 12356
by K. Johnson, National Security Council

~~SECRET~~

Declassify: OADR

~~UNCLASSIFIED~~

DLWOFF Box 21-1
3/31/87

MEMORANDUM ~~SECRET~~ UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

SYSTEM II
90447

~~SECRET~~

RECOMMENDED TELEPHONE CALL

TO: His Excellency Roberto Suazo Cordova, President of the Republic of Honduras

DATE: Thursday, April 25, 1985

RECOMMENDED BY: Robert C. McFarlane

PURPOSE: To reassure the Honduran Government regardin our intention to support the Nicaraguan democratic resistance forces.

BACKGROUND: One of the most serious consequences of the House's action yesterday is the deep concern it has created in Honduras. [redacted] and other high officials are threatening to deny sanctuary to the FDN and disarm the resistance forces on the Honduran border. This morning, [redacted] of the Honduran General Staff told Alfonso Robelo that this vote "finishes Honduran support." The Honduran military this morning stopped a shipment of ammunition to the FDN base at La Vegas. The active GOH cooperation with FDN logistics, which we have seen in the past tw months, must continue if the resistance is t survive.

It is imperative, therefore, that you make clear the Executive Branch's political commitment to maintaining pressure on the Sandinistas, regardless of what action Congress takes. President Suazo will need some overt and concrete sign of this commitment in order to forestall his militar in taking action against the FDN. Two actions which would signal our commitment are:

-- impose a trade embargo, using either IEPA or the Trade Expansion Act (we are urgently examining the alternatives and will send you a recommendation); and/or

-- downgrade diplomatic relations.

~~SECRET~~
Declassify: OADR UNCLASSIFIED

~~UNCLASSIFIED~~

~~SECRET~~ 2

BACKGROUND: (Continued...)

While we consider and prepare for these specific measures, it is essential that you call President Suazo to reassue him that we intend to continue our support for the freedom fighters and that you are examining actions for which Congressional approval is not required.

TOPICS OF DISCUSSION:

1. Yesterday's House vote for aid to the Nicaraguan democratic resistance.

2. Commitment to persist in effort to obtai funds from the Congress for continued U.S. support.

3. Urge GOH not to take any actions which would jeopardize the struggle for liberty an democracy in Nicaragua.

Date of Submission:

Action

~~SECRET~~ ~~UNCLASSIFIED~~

~~SECRET~~ UNCLASSIFIED

~~SECRET~~

TALKING POINTS

-- I wanted to call you regarding yesterday's vote in our House of Representatives on funds for the Nicaraguan freedom fighters.

-- While the vote was unfortunate, we won in our Senate and the vote in our House of Representatives was very close. We will find a way to provide funds to the freedom fighters.

-- I am committed to obtaining additional financial support beyond what they already receive from others. As you know, they have substantial support from other sources. More supplies are now in enroute to them from these sources. They must be allowed to receive what is being shipped to them.

-- I want you to know that I also am studying other actions in the economic and diplomatic areas which would increase pressure on Nicaragua.

-- It is crucial that no action be taken which could jeopardize the future of those struggling for freedom and democracy in Nicaragua.

-- As you know, I offered to send our representatives to meet again with the Sandinistas to press them to agree to a dialogue with their opposition. That offer was conditional on Congress approving funds for the freedom fighters. We now have no intention of talking with the Sandinistas, unless they proceed with the internal dialogue offered by the resistance.

-- Your personal intervention is requested to ensure that the freedom fighters continue to receive all available assistance. I know that this is not easy, but we both have taken risks for democracy before and we need to be steadfast now.

-- As I prepare to renew the effort with our Congress, we must not lose the momentum for the freedom fighters.

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Declassify: OADR

~~UNCLASSIFIED~~

APPENDIX I

To	Name and Address	Date	Initials
1	Robert C. McFarlane		
2			
3			
4			
5			
6			

DX 59
IRAN 17

X	ACTION		FILE
	APPROVAL		INFORMATION
	COMMENT		PREPARE REPLY
	CONCURRENCE		RECOMMENDATION
	DIRECT REPLY		RETURN
	DISPATCH		SIGNATURE

REMARKS.

cc: Oliver North (#2 & #3)
Jim Radzimski (#4)

RETURN

~~TOP SECRET~~
TOP SECRET CODEWORD

031150

NSC/ICS CONTROL NO 001276

COPY NO. ____ OF ____

HANDLE VIA SYSTEM IV CHANNEL ONLY

NSC INTELLIGENCE DOCUMENT

Warning Notice
Intelligence Sources and Methods Involved
NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

001176

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TOP SECRET CODEWORD

FBI LET 3/31/87 OLNO BOX

ALUCOOO...

TOP SECRET

SYSTEM IV
NSC/ICS-40:276

NATIONAL SECURITY COUNCIL
WASHINGTON D.C. 20506

October 30, 1985

TOP SECRET CODEWORD

ACTION

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: OLIVER L. NORTH

SUBJECT: Reconnaissance Overflights

There is apparently a major military buildup and combat offensive under way in Nicaragua. This activity coincides with a significant "crackdown" on personal freedoms and the few remaining civil rights for Nicaraguan citizens.

Last Sunday, parishoners were denied access to three major churches under provisions of the emergency decree which forbid freedom of assembly. A twelve-year-old girl was reportedly crushed between two armored vehicles while they were placing a cordon around the cathedral in Esteli. On Monday, Sandinista units crossed the border into Honduras and struck a border logistics base.

Most Western press has been quietly moved from the area and preparations are under way for a CEMA meeting in Managua at which the Sandinistas are expected to ask for full membership. Representatives from State meet with their Soviet counterparts today, tomorrow and Friday to discuss Central American and Caribbean issues.

The Nicaraguan Democratic Resistance has no intelligence on the arms buildup being conducted through Cuba to the Atlantic coast ports at Bluefield and Rama. Poor weather has denied us adequate overhead imagery to allow a full assessment of the arms being delivered (Tab I). It appears that the Sandinistas may well have launched a concerted effort to significantly damage the Resistance before the full affects of our humanitarian assistance can be felt and in such a way to coincide with the CEMA meeting and the U.S.-Soviet Summit.

The Restricted Interagency Group (RIG), consisting of members from State, CIA, NSC and the JCS, agreed on Friday that there is an urgent need for additional intelligence. It is therefore

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proposed that, weather permitting, SR-71 and U-2 aircraft be used to collect detailed imagery and signals intelligence which will better allow us to assess the full impact of activities in the region. The SR-71 would fly [redacted] U-2s would be used to overfly Nicaragua to determine current delivery status and Sandinista order of battle.

RECOMMENDATION:

That you use the points above to discuss this matter with the President and obtain his approval for the SR-71 and U-2 flights described above.

Approve [redacted] Disapprove [redacted]

10/30/85

President approved

Attachment
Tab I - Intelligence Information

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You should also tell the President that we intend to air-drop this intelligence to two Resistance units deployed along the Rio Escondito, along with two Honduran provided 106 recoilless rifles which will be used to sink one or both of the arms carr which show up in the photograph at Tab I.

There is also a challenge to the Cub claimed seline which would coincid with the U.S.-Soviet talks now under way in Canada. Our effort here is t demonstrate to the Soviets and our friends in the region that we are serious about a democratic outcome in Nicaragua. The RIG believes that these steps will help to reverse the serious degradation of support we ar experiencing in Costa Rica, El Salva and Honduras.

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